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BIOGRAPHICAL

AND

PICTORIAL HISTORY

OF

ARKANSAS.

BY JOHN HALLUM.

VOL. I.

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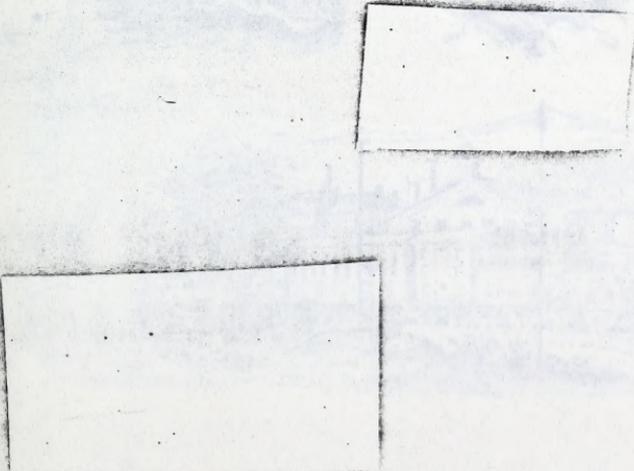
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Entered according to act of Congress in the year eighteen hundred and eighty-seven,

By JOHN HALLUM,

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Noble Youth, behold the Pantheon; and
let the fires of ambition kindle thy soul and
light thy way to its portals.





DEDICATION.

This work originated in the affectionate solicitude of my wife to provide useful and profitable entertainment for a restless nature when not engaged in the active discharge of responsible duties. "Write the Bench and Bar, the History of Arkansas, or a combination of both. Such a work or works would lead you through an original, an untrodden field in our local literature, and would furnish useful employment and profitable entertainment for your talents. If you would bring such a work up to the standard of your capacity, I am sure an appreciative public would receive it favorably. I would appreciate a work brought to that standard infinitely more than any pecuniary consideration could inspire."

Thus wrote the Sponsor to the Biographical and Pictorial History of Arkansas, whose cultured eye has, with parental solicitude, scanned every page of the manuscript, anxious to verify the kind prophecy, and to remove impediments to its fruition; with what result, a critical, yet generous public will determine.

Then, to you, my devoted guardian, whose claims are first on my gratitude and affectionate consideration, this work is dedicated as a testimonial of the high estimation in which you are held by the

AUTHOR.

LONOKE, ARKANSAS, *July 25, 1887.*

PREFACE.

The author's original design was to confine this work to the bench and bar of the State, but in the progress of its execution, it was found a difficult task to divorce the history of individuals from that of the State, because as the former made the latter, they are as intimately blended as the colors of the rainbow, and as difficult to separate—hence the natural combination of both. It was found a laborious and difficult task to gather from conflicting oral and traditional sources, the major part of the material embodied in the biography of the early settlers in the territory, who have passed away without leaving any permanent record or written history. This is lamentably the case with many of the ablest men who were determinate factors at an important epoch in our early history.

To rescue this history from threatened oblivion, before it passed beyond the reach of authentic record, has been a labor of love, inspired by a sense of duty, long neglected by our citizens.

Many of the events related in the progress of the work, grew out of that intemperate heat engendered by the formation and crystallization of political parties during our territorial existence; and with the hour of their origin, dates radical differences of opinion, colored by partisan birth, which has been continued and handed down to the descendants of the actors; and it would be as idle as visionary in the historian to expect to reconcile and please those who embrace these opposite views. No such expectation has been indulged. The only solicitude felt by the author, is to avoid partisan feeling, and to make the nearest approach to truth.

Where criticism has been invited, it has to some extent been indulged in the interest of history, without reference to the personal desires of the living, where such desires would antagonize the austerity and simplicity of truth.

The limited history of a class of young men who have put on the *toga virilis*, under flattering auspices to the State and society have been embraced for two considerations, in opposition to the commonly received opinions of the public; *first*, because they are the honorable representatives of a class on whom the highest hopes and interests of society are now devolving; and *secondly*, because this work is intended to touch the springs of inspiration in the young as well as the aged, by examples from their own class. The author has always felt a deep interest in this class of young men. The value of their example to noble youth is inestimable. The example of the matured and finished character is always valuable, but often not more so than that of the young man who is expanding and crystallizing into noble, moral and intellectual proportions. The young man, advancing on an upward plane with his "arrows pointed to the sun," will always challenge the admiration of mankind, and impart a valuable lesson to his race. The superficial critic, who has no capacity to peep beneath the surface of things, nor to take in any other than a *finished* picture, will not be satisfied with this division of the work, but charity will ascribe the failure to his misfortune.

Another important consideration is found in the defense of the good name of the State against the slanderous imputation of repudiation raised by her spoliators and those claiming to hold obligations against the enfranchised people created by them.

The artistic execution of the Portrait and Pictorial Department has been limited, and denied that high art standard much desired by the author, not from choice, but by financial considerations not easily overcome by an obscure and impecunious author, essaying for the first time recognition in the guild of letters.

This design finds sanction in that cultured art which is wedded to the illustrated literature of the day, and a desire to hand down to posterity, a grand gallery of our local celebrities.

The scope marked out for this work embraces two more volumes to follow at intervals of one year apart, if unforeseen contingencies do not prevent the execution of the labor.

Many biographical sketches have been omitted from this volume for want of space, and because the proportion of biography to history already exceeds the desired limits.

The author has been greatly aided in collecting material for this

work by the Hon. Samuel W. Williams, whose long residence in Arkansas, love for this character of literature, and tenacious memory, peculiarly fits him for such valuable and kind offices. In a great number of instances he has pointed me to sources of information when it was not within his immediate knowledge.

The author for the same reasons acknowledges the obligation under which he has been placed by the Hon. William Walker of Fort Smith, the Hon. A. M. Wilson of Fayetteville, the venerable John Peel of Bentonville, the Hon. Jesse Turner, the Hon. Benjamin T. Du Val, Governor Elias N. Conway, General Albert Pike, the venerable W. F. Pope, Governor Henry M. Rector, and Mrs. Elizabeth R. Wright, the accomplished daughter of Governor Fulton, and to J. H. Van Hoose of Fayetteville, Arkansas. These parties have been uniformly courteous, and have rendered me much valuable aid in the collection of material.

And it would be an offense against letters to omit the acknowledgment of valuable aid extended by my wife and constant companion—the foster-mother of this undertaking—whose solicitude for the result far exceeds that of the novitiate who responded to her solicitation to undertake the task of,

AUTHOR.

LONOKE, ARKANSAS *July 28, 1887.*



JOHN HALLUM.



MATTIE A. HALLUM.

AUTOBIOGRAPHY.

JOHN HALLUM.

The Hallums are descended from ancestors in the middle classes of England, the family there embracing the historian and the poet; here Governor Helm of Kentucky, Secretary Bristow of President Grant's Cabinet, President Polk, and a long roster on both sides of the water who have never broken through the veil of honest obscurity.

Hallam is the proper way to spell the name; the substitution of the *u* in place of the *a* in the last syllable is a corruption growing out of the freedom incident to back-woods life and republican simplicity where heraldry is lost in a common level. *Helm* is an abbreviation and corruption of the original name, springing from the same sources. This innocent invasion of ancient orthography is an inheritance which has given rise to many regrets, too late to obviate at this distance in the line of departure without injustice to others.

About 1770, two younger brothers, William and Henry Hallam, cut off from ancestral inheritance by the laws of entail and primogeniture, sought to lay foundations by their own enterprise in a field of more promise and a wider range than England extended to the portionless scions of her gentry and nobility. Imbued with the broadest spirit of religious freedom and toleration, so deeply rooted in the institutions of Maryland, they first located at Hagerstown in that colony. Both married and became the heads of large families. Henry settled in Virginia; William in South Carolina, and there became one of the largest planters of his day. From the latter the author's wife is descended, from the former the author, the relationship being in the fourth degree. Both adhered to the fortunes of the colonies and became revolutionary soldiers. William was captured at the battle of Germantown on the 4th

of October, 1777. The British officer to whom he was delivered after capture insulted him, and slapped him in the face with his sword, and paid the penalty of his temerity with his life. The brave cavalier shot him dead instantly, made good his escape and settled in South Carolina after peace was declared.

General Van Rensselaer of revolutionary fame was his warm personal friend, and honored him with several visits at his palmetto plantation after the revolution. He was a cultured gentleman of the old school. His will is before me, broad, enlightened and liberal; he cuts through the laws of primogeniture and divides equally all his possessions between a large family of sons and daughters.

In that tide of immigration which came pouring its westward flood across the Alleghanies after the revolution, came William, Henry, John and Andrew Hallum to the frontier settlements in Tennessee in 1795, and settled on the historic Cumberland, in what is now designated as Smith county, Tennessee, all sons of Henry, the revolutionary sire; and with them came Rachel, daughter of William, the soldier, and wife of her cousin William, the pioneer. Henry is the grandfather of the author; William is the grandsire of his wife. All were men of courage and marked individuality of character, and all were staunch friends and supporters of General Jackson.

I was born on an eminence overlooking Cumberland river in Sumner county, Tennessee, on the 16th of January, 1833, the son of Bluford Hallum and Minerva Davis, my mother being descended from one of the first pioneer settlers in the Cumberland valley, an emigrant from North Carolina.

My father (now in his eightieth year) was always passionately fond of letters, and his range of knowledge and research embraces a wide field of literature and the sciences. If not inherited, his inclinations in this direction, to some extent, were imparted to his son, whom he taught from his lap to read well by the time he attained his sixth year. Tennessee had no public-school system worthy of the name in those days, and I was sent to the rather indifferent old field schools of the period from my sixth to my fourteenth year, from four to six months in each year, the remainder of the time being devoted to agricultural husbandry.

When fifteen years old my father set me free and gave me my board as long as I would accept it. He then lived within a few furlongs of Wirt

College, then a flourishing seat of learning in Sumner county, Tennessee, founded on private enterprise, since defunct.

I was poor, and had, a few months before, refused to accept a college endowment at Cumberland University, founded on the private subscription of warm-hearted friends, whose memories will always be dear. Vanity and false pride, perhaps, led me to reject the boon; my mind then revolted at the idea of being educated on charitable foundations, and inspired the idea of ability to educate myself. But my false pride was delicately and artfully overcome in a way I did not suspect at the time.

W. K. Patterson, then president of the college, and William Ralston, a merchant in the vicinity, came to my father's, and after consultation with him, called me in as the fourth member. The president was universally beloved, and one of the most magnetic characters I ever met. He opened up a plan for the acquisition of an education and the payment of all expenses attending it with the most winning plausibility. He would furnish the books and tuition, and the merchant my clothing until they could qualify me for a teacher, and thus enable me to pay them with interest. My father, who was in the Christian conspiracy, gave me board and advised acceptance of the offer. My boyish ambition climbed to the summit, and on commencement day I matriculated, remaining, however, only two years, at the end of which time I felt the embarrassment of a mountain of debt, and the strongest desire to remove it, without its having been intimated that my noble creditors wanted or expected pay at that time. To relieve myself of this embarrassment I taught school eight months at profitable remuneration, and paid off every dollar I owed in the world. At this period I made the mistake of my life in not returning to college and completing the classical education there commenced.

Ambition to enter the professional arena at an early age overpowered my better judgment, and I hugged law books to my bosom and taught school two years, whilst reading under my own direction.

I was admitted to the bar at Memphis, Tennessee, in May, 1854, since which time I have been enrolled in the supreme and Federal courts of Tennessee, Arkansas, Missouri, Illinois, Colorado, and the supreme court of the United States.

I did not believe in the doctrine of secession as a remedy for real and imaginary evils, but repudiated that sublime doctrine of patriotism

which required me to take up arms and strike down in blood my fellow citizens of the seceding States because they honestly differed with me in the interpretation of constitutional sanctions and guaranties. Loyalty to my native State, under all the circumstances leading to the war between the States, was paramount to that I owed the dominant majority of the States professedly warring on constitutional sanctions designed to protect the slaveholding States. I believed, with General Lee, that patriotism has its qualifications and limitations, and that if I must take sides in a civil war I would go with my people whether they survived or perished.

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BIOGRAPHICAL AND PICTORIAL

HISTORY OF ARKANSAS.

HISTORICAL.

CHAPTER I.

THE discovery of America by the poor Genoese navigator under the sympathizing patronage of Isabella, opened up to the human race the grandest possibilities yet made patent to the world.

The native majesty of an adorable woman has linked her name with an achievement which will outlast and outshine all the artificial and adventitious greatness imparted to the simple wearer of a crown.

This discovery gave the world a momentum, first in arms, then in the arts and sciences, which now encircles it in a halo of light.

To-day we can stand on the mountain top, above the clouds, where Balboa first threw his eyes westward on the Pacific ocean, and in a moment whisper to the tenants in the ancient palace of Andalusia, and in another moment to all the capitals and commercial marts of the world.

In the sixteenth-century Spain attained the summit of her greatness and the first place in the sisterhood of nations. From 1520 to 1556 Charles V, as king of Spain and emperor of Germany, carried her banners and victorious arms from the Baltic to the Mediterranean, and her proud marine was mistress of all the waters navigated by man.

Chivalry marked out for achievement in that iron age feats hitherto unknown to the wildest visions of romance.

Pizarro, with a handful of daring followers, invaded South America, ascended the lofty Andes and took possession of the throne of the ancient Incas in the name of Spain.

The daring and sublimely heroic Cortes burned his ships behind him to inspire his followers with iron nerve and make certain glory or death. He conquered Mexico and took possession of the palace and the throne of the ancient Montezumas in the name of Charles V.

Balboa ascended the northern Andes, discovered the western route to the Indies, and solved the mighty problem to navigation in the name of Spain.

In this connection we deem it appropriate to give a short historical and biographical sketch of De Soto, the first European explorer of Arkansas.

Fernando De Soto, the great Spanish explorer, was born about 1496, when Spain was beginning her ascension to the foremost power in the world. Of a noble family, De Soto spent several years at one of the Spanish universities and distinguished himself in literature. A chivalric soldier, in 1519 he accompanied the celebrated Pedrarias Davila to America as governor of Darien.

In 1527 he supported Hernandez in Central America, and was the most liberal and elevated in sentiment of all the Spanish-American explorers and conquerors. In 1528 he explored the Central American coast for seven hundred miles in search of the supposed straits connecting the Atlantic and Pacific oceans. In 1532 he joined Pizarro in the conquest of Peru, and with fifty horsemen the next year penetrated to the heart of that ancient empire of the Incas. He entered Cuzco the seat of empire and captured the Inca Atahualpa, who paid an immense sum for ransom, but Pizarro treacherously refused to release the monarch, which greatly incensed De Soto.

Soon after this he returned to Spain the possessor of great riches, and was flatteringly received by the great emperor, Charles V. In 1536 De Soto proposed to Charles V to undertake the conquest of Florida at his own expense. This undefined country extended an unknown distance in the heart of

the continent and was then believed to be the richest country in the world.

With six hundred men, twenty-four priests and twenty officers, equipped at his own expense, he set sail from San Lucan in April, 1538, and landed in Tampa bay, May 25, 1539, having stopped in the West India Islands, where the ladies accompanying the expedition were left. Narvaez had preceded him some years, and by his cruelties had raised legions of enemies to all Europeans. This was unfortunate for De Soto and his brave followers, and caused them the loss of eighty men and forty-two horses in a great battle near where Mobile now stands, fought in October, 1540.

In July, 1539, he sent his ships to Havana. After various wanderings and the loss of many men and horses he reached the Mississippi river in June, 1541, at the third Chickasaw Bluffs, where Memphis now stands. He remained here from June 19 to July 29, then crossed the Mississippi and marched to the highlands of White river in Arkansas, being the first European to plant foot on our soil. This was the western limit of his exploration.

From the head waters of White river he proceeded south by way of Hot Springs, to an Indian village called Autamque on the Washita river, where he spent his third winter.

In March, 1542, he broke up his camp on the Washita and followed that stream to its confluence with the Mississippi, where he was attacked with fever, and died in May or June, 1542, after having appointed Mascoso his successor.

To conceal his death from the natives his body was wrapped in a mantle and sunk in the middle of the stream at midnight. His followers, reduced more than one-half, started east but were driven back to the river, where they passed the next winter.

In 1543 they constructed boats and descended the river to the gulf, where they dispersed. Condensed from *Appleton's Cyclopedia*.

When De Soto entered Arkansas and for more than two centuries afterward it was inhabited by three powerful tribes of Indians, since known in our history as the Great and Little Osages, who inhabited a large territory extending from the Missouri river to Red river, Texas, and it was also inhabited by the Quawpaws.

The Cherokees, who occupied western Arkansas long after, did so in virtue of treaties with the United States. The Chickasaws in De Soto's time occupied a vast region of country to the east of the Mississippi river. After this, one hundred and thirty-two years elapsed before another European visited Arkansas.

In 1673 two bold Jesuit explorers, Marquette and Joliett, crossed the lakes from Canada and descended the Illinois river to its confluence with the Mississippi, thence down the Mississippi to the junction of the Arkansas, but did not colonize or take possession of the country. In 1682 La Salle, a French explorer, following the same route, descended the Mississippi to the gulf and took possession in the name of France, and named the country Louisiana in honor of Louis XIV of France. In 1686 Tonti left several French Canadians at an Indian village of the Quawpaw tribe, located at a point on the Arkansas river, subsequently known as the Arkansas Post, but these early trappers soon left and returned to Canada or perished. This Quawpaw village was occasionally visited by a French trader, and sometimes by a missionary, but no permanent settlement was made in Arkansas until 1721, when the celebrated John Law established a number of French colonists and their families at the Indian village to which they gave the name of Arkansas Post. This was the first permanent settlement in Arkansas.

John Law is an important factor in the history of Arkansas and deserves special mention. He was a native of Edinburgh, and was of the illustrious house of the Duke of Argyle and one of the most remarkable men of the age in which he lived. He possessed great learning on subjects connected with finance, the most fascinating manners and commanding person. He was the author of several works on finance—he examined in person the operations of the great banks of England, Amsterdam and Venice.

France was then greatly oppressed with debt and a deranged currency. The Duke of Orleans was then (1716) regent for the infant king, Louis XV. Law was a man of large private fortune, and his suavity of manner and great talents commended him to the regent. In 1716 he established a private bank in Paris. In

1717 he, in connection with his bank, established the "Company of the West," with a royal grant in fee of the province of Louisiana, which among other recitals contains the following: "To enable said 'Company of the West' to make permanent establishments, and to put in a condition to execute all the enterprises it may project, we have given, granted and conceded; and we give, grant and concede, by these presents, in *perpetuity*, all the lands, harbors and islands which compose our province of Louisiana."

The eighth article declares that "the company may sell and alienate the lands of the concession, as they think proper, and may grant them in fee-simple — "we wish, that those who have no grants or patents from us may be required to take concessions from the company, to assure themselves of their rights to the lands they possess, which shall be made to them gratuitously."

The tenth article provides that "the company may establish governors and other superior officers, as they may judge fit, which shall be presented to us for our commissions, they may dismiss them and establish others."

"The said company as lord high justiciaries in the country ceded to them, may establish judges and other officers whenever they may deem it necessary, and to depose and replace them."

Judge Joseph M. White, who digested the laws of France and Spain, says: "These were the leading features of an ordinance dictated by Law, to create an empire for France in America, and to supply from the mines of that continent enough gold and silver to support that system of banking which he had introduced in France, based on sound and solid principles."

But in 1718 his bank was converted into the bank royal, and charged with the management of the deranged royal revenues. Books were opened that the public, or rather private citizens, might take stock in the bank royal, which had at its helm the greatest financier the world had produced (in the estimation of France). Prince and peasant alike shared this delusion, which amounted to a national mania. The stock soon rose to twenty times its original cost.

Law gathered his colonists on this tidal wave, and shipped

them to Louisiana before the bubble burst, and left France a financial wreck ; some of these families, as we have seen, settled at Arkansas Post, and became the first permanent European settlers in Arkansas. New Orleans, The Balize, Kaskaskia, Cahokia, St. Louis, St. Genevieve, Prairie Du Roche, Peoria, Detroit and many other places received large accessions under this impetus to colonization. The governors of districts and commandants of posts were authorized to grant concessions of land to actual settlers.

By royal edict in 1725 the companies of the east and the west were united under the name of the "Company of the Indies," and it was again declared that it should enjoy its privileges in perpetuity, and the grant of Louisiana was confirmed. After an existence of fourteen years the "Company of the Indies" surrendered its charter to the crown.

Judge White is of opinion that Law could have carried out his vast designs if he had been able to resist the wants of an effete and impoverished aristocracy, which drove him to over-issue and inflation, collapsed the bank in two years, and brought bankruptcy to France.

The reader must not forget that various authors call the cession of Louisiana to Law and company by different names : "The Mississippi Company," "The Company of the West," "Law's Company," "Law's Bubble," and "The Company of the Indies." Nor must it be inferred that the first French colonists in Louisiana came under the auspices of Law's company.

A few straggling Canadian French voyageurs preceded Law's colonists. Vincennes on the Wabash river was settled by them as early as 1710. Peoria on the Illinois river, St. Louis and St. Genevieve on the Mississippi, and other places of less note were first occupied by Canadian French, but to Law belongs the credit of imparting the character of colonies, and giving impetus to the settlement of the country.

Spain, as we have seen, was entitled by right of discovery and the law of nations, to Louisiana, one hundred and thirty-two years before the French took possession of it. But she was pre-occupied with her vast colonial interests in South America, Mexico, the West Indies, Florida, and her still greater Euro-

pean interests and complications nearer home, and was unable to pay any attention to Louisiana.

That vast area in the heart of North America, known in history as the province of Louisiana, extended north from the mouth of the Mississippi river, over twenty degrees of latitude, thence west to the Pacific ocean, and included the area now embraced in the States of Louisiana, Arkansas, Missouri, Illinois, Iowa, Minnesota, Nebraska, Kansas, Oregon, all that portion of Colorado east of the Rocky mountains and east of the Arkansas river, and the territories of Dakota, Wyoming, Montana, Idaho, Washington, and the Indian territory.

The territory of the United States was more than doubled by this accession. Before its acquisition we did not own a foot of territory west of the Mississippi river. Then the States of Mississippi, Tennessee, Kentucky and Indiana marked the limits of our western frontier. The gulf States did not extend to the gulf of Mexico by fifty miles. Then all that portion of territory now belonging to the gulf States, fronting on the gulf of Mexico, belonged to the Spanish province of West Florida, which we did not acquire until 1819. Jealous, showy and punctilious France, very soon after her Canadian subjects commenced crossing the lakes and descending the streams flowing into the gulf, assumed dominion and manifested it to the world by the appointment of governors or viceroys.

The first royal viceroy, the Marquis de Sanville, was commissioned and invested with the emblem of sovereignty over the vast territories of Louisiana in 1689. He thus became the nominal ruler over less than two hundred and fifty itinerant hunters and trappers, one-half of whom he could not have found in twelve months with a search warrant. But it answered the emblems of sovereignty and marked an era in the history and civilization of the west. The seal on that commission, though but an empty emblem of authority over men, imparted immortality to the name it honored.

The viceroys from 1689 to 1718 were appointed by the crown; after that until 1732 they were appointed by Law and his successors.

In 1762, the uncertain vicissitudes of war, the final arbiter of nations, humiliated Louis XV of France, by tearing from

his crown all of his vast possessions in North America, never to be united to it again until Bonaparte compelled Spain in 1801 to execute the secret treaty of St. Ildefonso.

By the treaty of Fontainebleau, entered into on the 3d of November, 1762, and confirmed ten days later in the palace of the Escurial, and in February following in the palaces of St. James and the Tuilleries, Canada, stretching from the gulf of St. Lawrence to the Arctic and Pacific oceans, was ceded to Great Britain and Louisiana, stretching from the gulf of Mexico, northward to the lakes and the British possessions, thence westward to the Pacific ocean, was ceded to Spain.

This treaty of Fontainebleau carried with it in area the greatest empire ever conveyed by a stroke of either pen or sword.

The sovereignty of Arkansas has followed all these vibrations of the European political pendulum.

CHAPTER II.

THE ACQUISITION OF LOUISIANA BY THE UNITED STATES AND OBLIGATIONS OF THE LATTER TO THE INHABITANTS OF THE CEDED TERRITORY.

IN 1800, citizen Bonaparte, first consul, at the head of the victorious legions of France, overrun Spain and forced his Catholic majesty, by the secret treaty of St. Ildefonso, concluded the 1st day of October, 1800, to cede Louisiana to France. Ratifications exchanged 24th March, 1801. The treaty was kept a profound secret at the instance of Bonaparte, because he was at war with England, which had superseded Spain as the mistress of the seas. He well knew that one order from Downing street or Trafalgar square to the British admiralty would sweep away all the interest of France in the new world. America's overshadowing greatness and power, strange as it may seem, is, to a great extent, due to the weakness of the greatest statesman and warrior of modern times.

Or, it may be just as well expressed by saying it is due to England's mastery on the ocean at a critical period in European diplomacy. It was impossible for France to maintain colonial ascendancy in the west whilst at war with great maritime rivals. There was also another powerful motive to dispose of Louisiana,—Bonaparte wanted money to carry on his vast campaigns in Europe.

President Jefferson's great desire at the time was to secure, by treaty with Spain, the free navigation of the Mississippi river, with a depot of trade at its mouth, and our minister at Madrid was instructed to open and press the negotiation. This gave rise to the secret information imparted to President Jefferson in 1802, that France owned Louisiana. James Monroe, afterward president, was sent as special minister to Paris with instructions to join Mr. Livingston, our resident minister, and to treat with Bonaparte for the free navigation of the Mississippi river. The mission was far more successful than the most sanguine anticipations led them to hope for. Bonaparte readily entered into negotiations and himself proposed the entire cession of Louisiana, which resulted in the cession on the 30th of April, 1803, for \$15,000,000, \$11,250,000 of which was to be paid to France, and the remainder of \$3,750,000 was to be paid to American citizens for spoliation of their commerce on the high seas during the *quasi* war with France. To the shame of our government, the latter claims have never been paid, but have given rise to a Pandora's box of congressional legislation, investigation and inquiry. Thirty-six different congressional committees have had the matter in charge and it is still under consideration.

Bonaparte said to our ministers when the treaty was concluded: "This cession of territory strengthens forever the power of the United States, and I have just given to England a maritime rival that will sooner or later humble her pride." This treaty is the crowning glory of Jefferson's administration; and if he had done nothing else to endear his name to the American people, this one act would render it immortal.

The treaty reached Washington in July, 1803, and strange, at this day to say, its ratification in the senate was opposed by the old federal party leaders, so blind were they to the nation's interest.

The population of Louisiana at the time of the cession has been variously estimated by different authors. Mr. Stephens, in his History of the United States, page 393, estimates it at ninety thousand, near one-half of which, he says, were negro slaves. This estimate is in the opinion of the author much too great, for the following reasons: Don Manuel De Lamos Gayoso, governor-general of Louisiana in 1798, directed the census of both upper and lower Louisiana to be taken. Complete returns were made on the 18th July, 1799, showing the total population of Louisiana at forty-nine thousand four hundred and seventy-five; only about one-fourth of this population was negroes. The old Spanish records (to which Mr. Stephens, I presume, did not have access) show this. The population of the parish of Arkansas is set down in these returns at three hundred and sixty-eight.

Arkansas was under the dominion of the governors or viceroys of France from 1689 to 1762 inclusive, and it was under the dominion of the governors-general of Spain from 1762 to 1803. During this period eleven viceroys ruled over Arkansas and nine governors-general, exclusive of the dominion of Law and his successors from 1718 to 1732.

A great number of incipient land titles were issued under the authority of these rulers, which has given rise to a vast volume of legislation and judicial determination in State and national courts.

The secret treaty of St. Ildefonso gave rise to some intricate and very interesting questions, and some able discussions in the supreme court of the United States, relating to land titles acquired from the Spanish authorities after Spain had ceded the territory to France.

The governor-general of Louisiana, being unadvised by his royal master of the cession to France, continued to dispose of the public domain in the name of Spain. All the titles issued in the interim between the 1st of October, 1800, and the 30th of November, 1803, were thus tainted. The early viceroys of France and the later governors-general of Spain, were clothed alike with little less than absolute authority, being so far removed from the parent government. The right of appeal which existed under the Spanish authorities, in virtue of a royal edict

from the Emperor Charles V, amounted to little more than a shadow. Judge White who translated and compiled "The Laws of the Indies," in this connection says (vol. 2, p. 503): "Even the laws of the Indies, obscure, perplexed and even sometimes unintelligible as they are, hardly reached across the ocean, and the doctrine of the Spanish, like that of the Roman empire was marked by the absolutism of the distant prefects.

Intrusted with the command and defense of remote and exposed possessions — often reduced to the greatest extremities — neglected by the feeble government of the mother country, they were yet expected to guard the colony and execute the most rigorous system of monopoly, amid greedy neighbors and an impoverished people. They were often obliged to create their own resources. Their "first duty was to preserve their Catholic majesty's province committed to their care." And again, the same able and learned author says (vol. 2, p. 503): "Every nation has its own manner of securing the fidelity of its agents. Free governments are constructed upon the principle of intrusting as little power as possible, and providing against its abuse, by all species of checks and limitations. Arbitrary ones proceed on the principle of bestowing complete powers and extensive discretion, and guarding against their abuse by prompt and strict accountability and severe punishment. How absurd, then, would it be to apply the maxims of the one to the acts of the other.

As well might we judge the life of Pythagoras by the law of the New Testament, or the philosophy of Zoroaster by that of Newton, as to subject the administration of a Spanish governor to the test of *magna charta*, the bill of rights, the *habeas corpus* act, or the principles of American constitutional law.

The United States, in virtue of the law of nations and the seventh article of the treaty of Paris, was bound to respect and protect the inhabitants of the ceded territory in their landed property. That vast body of civil polity known as the common law of England and her colonies was utterly unknown to the inhabitants of the ceded territory, where the civil law derived from the Romans prevailed.

The Roman or civil law, although "the grand original" of

many precepts embodied in the common law of England, yet, as a distinct system, bears but little relation to that code so dear to Englishmen and their descendants.

Outside of the territory acquired it may safely be assumed that there was in 1803 neither lawyer nor jurist who was able to define the extent of the obligations assumed by the United States in relation to her new subjects. The government then found itself in the attitude of having assumed obligations with the details of which it was ignorant.

In March, 1804, congress authorized the president to appoint three commissioners each in lower and upper Louisiana, whose duty it was to examine into the land titles of the inhabitants and report the result of their action to congress for confirmation or rejection of claims reported on. This act was the original of a large body of statutes passed by congress on the subject.

Judge White says: "The want of information has caused a delay in the adjustment of titles which could, under no other circumstance, be excused. It is now thirty years since many titles in Louisiana, Arkansas and Missouri had been presented for confirmation." To obviate these great difficulties as far as possible, the Hon. Joseph M. White of Florida, at the suggestion of Wm. Wirt, attorney-general, was employed by the government to collect and translate the laws of Spain and France, the colonial ordinances of each, and the local ordinances of Great Britain. His beautiful and accomplished wife lent her scholarly attainments to the accomplishment of this great task, but her husband forgot to record his obligations to his noble wife for the fame which she helped to win and wreath around his name; now both are gone, let justice be done and the jeopardy of veritable tradition pass into authentic record. For want of an understanding of these laws congress confirmed spurious claims to \$10,000,000 worth of land in Louisiana. These claims involved a large volume of litigation. In some instances their consideration was taken from the commissioners and transferred to the Federal courts. I find in an old copy of *The Arkansas Banner* published in Little Rock in January, 1845, the following notice:

"The district court of the United States for the district of Arkansas, for the adjudication of unconfirmed French and Spanish land claims, has adjourned until the fourth Monday in March, 1845.

"W. M. FIELD, *Clerk.*"

The first designation of Arkansas as a geographical unity, a political identity, is found in the old Spanish records denominating it as one of the parishes of lower Louisiana.

CHAPTER III.

CUSTOMS AND HABITS OF THE OLD FRENCH AND SPANISH INHABITANTS OF LOUISIANA TERRITORY — SETTLEMENT.

THE old French inhabitants, by whom both lower and upper Louisiana were chiefly settled, selected the richest lands and most eligible sites, fronting the navigable streams, for settlement. Their system of settling and dividing up the royal domain was essentially different from that adopted by the English colonists.

France and Spain were very liberal with their colonists. They gave them without stint all the land they wanted, without price.

Self-interest and self-protection prompted them to settle in as compact form as possible; and to give all a frontage on the water-courses, their lands were laid off in narrow strips, and extended back at right angles from the river from one-half to three miles. That is the agricultural lands outside of the village or town commons.

French and Spanish land measure is computed by arpents; an arpent is eighty-five one-hundredths of an English acre. The agricultural tracts of land were generally from one to three arpents wide.

When the husbandmen were cultivating these lands and harvesting their crops, they strapped each a carbine to his shoulder and worked back and forth abreast of each other, so as to be in supporting distance in case attacked by the Indians. This

was never departed from, and the wisdom of the imperative rule is attested by the well-known fact that the French and Spanish colonists did not suffer half so much from Indian depredations as their brother English colonists, who often took their families and settled miles away from the block-houses and forts.

Another distinctive feature lies in the universal custom of these early settlers to lay off a large tract of land adjacent to their towns and villages, called the town commons, in which every inhabitant had an equal interest and right to herd their cattle and cut timber. These commons were granted by the crown in perpetuity.

This custom has been maintained by Spain in all of her colonial possessions in the new world. Her colonies have extended it to the Pueblo, or semi-civilized Indians, who have settled and lived in villages and towns.

When one of these primitive colonists wanted a piece of land segregated from the crown lands and given to him he addressed a short petition, in French times to the viceroy or commandant of the nearest military post, and under Spanish rule to the governor-general of Louisiana, setting forth what manner of man he was, for what purpose he wanted the land, and asking a title from the crown.

The local representative or deputy of the governor-general or viceroy examined the application, and if it appeared to be right he so indorsed on the back of the petition with directions to the public surveyor to survey and segregate the land from the public domain and to put the applicant in possession.

This was the initiative step and when advanced thus far was called a "concession." But the title never became perfect until it was approved and granted by the crown, under Spanish rule, but the commandant of a post under French rule could make title when Law and his associates held the fee to Louisiana.

There were many thousands of these equitable titles when we acquired Louisiana, and it was said by the supreme court of the United States that in all there were but ten perfect titles in 1803.

The treaty of St. Ildefonso for reasons already stated was

kept a profound secret, and no change whatever was made in the officers or administration of the local affairs of Louisiana. To have done so would have defeated the secret object of the treaty by apprising England, the arch enemy of Bonaparte.

The *statu quo* was maintained until the 30th day of November, 1803.

On that day by previous concert between France, Spain and the United States, the surrender was made simultaneously at St. Louis and New Orleans and other points to the envoys of France, who received the insignia of sovereignty from the Spanish authorities.

The Spanish flag, with great pomp and ceremonial, was lowered and the French flag ascended the flag-staff, which in turn, after having symbolized the dominion of France, was lowered and the flag of the United States was run up, emblematic of the dominion we still maintain.

Some months after the United States took possession of Louisiana, the king of Spain issued a solemn protest against the cession on the ground that it was in violation of the seventh article of the treaty of St. Ildefonso by which France agreed not to cede it to any other power. But he was not able to keep his seat on his throne at home much less to disturb the title or destiny of the United States. But his protest added fuel to the already inflamed population.

The old French and Spanish inhabitants were wild with excitement when the Spanish flag gave place to that of the United States, and they threatened revolution. They greatly feared the loss of all their landed possessions, and in addition to this they had no patriotic love for the United States. Both congress and the executive took immediate steps to allay the fears and it was the part of wisdom to do so, because as a nation we were weak and much exhausted, and the excited population of Louisiana either by combination with Indians or foreign powers could have inflicted incalculable injury.

There was at this time in the United States a political refugee from Normandy, of great culture and force of character, who President Jefferson supposed would have more influence in allaying the fears of the French population than any other man he could appoint in upper Louisiana on the land commission to

inquire into titles; and, as a stroke of policy, justified by the times, he appointed J. B. C. Lucas, and with him another gentleman of French descent, James Penrose, and as the third, commended alike for wisdom and integrity, he appointed Edward Bates.

The work, reports and labors of this commission fill eight large volumes of "American State Papers," which have been characterized by the supreme court of the United States as "imparting absolute verity" in contests before that tribunal.

The common-law system of conveyancing was unknown to these primitive inhabitants. With them no written contract or conveyance was necessary to impart title to land. They made valid oral dispositions with as much facility as an American could dispose of a cow or horse. A written conveyance of land was not then, nor is it yet required under Spanish law.

When a man died his estate was not ground through the cumbrous and desolating machinery of a probate court where the vulture sprouts his golden wings and screams defiance to creditors, widows and orphans.

Proclamation was made at the parish church, and all parties in interest, heirs, widow and creditors came to church at the appointed time, and after the morning services were over the parish priest made quick, honest and satisfactory disposition of the estate. The estate was never too small nor too large, nor too cumbrous nor too complicated for honest and speedy disposition, which was regarded when so ordered, as under the seal of God.

CHAPTER IV.

INDIAN OCCUPANCY AND EXTINGUISHMENT OF THEIR TITLE.

THAT once numerous and powerful tribe of Indians known as the Osages once inhabited and claimed dominion over a very large area of country, extending from the Missouri river to Red river, Louisiana, and embracing the greater portions of Missouri and Arkansas. The Quawpaw tribe of Indians, also once powerful and numerous, inhabited

central and western Arkansas, and claimed title to the soil. The Choctaws and Cherokees, also once powerful tribes, inhabited and claimed a large part of western Arkansas, after their removal from Alabama, Georgia, Tennessee and Mississippi. But the Osages and Quawpaws were the original occupants. These Indian titles were, at various times and in virtue of various treaties with the Indians, finally extinguished.

On the 10th of November, 1808, at Fort Clark on the Missouri river, the Great and the Little Osages by treaty established the boundary line between them and the United States, and ceded to the latter all that region of country lying east of a line run south from Fort Clark to the Arkansas river, and thence down said river to its confluence with the Mississippi river. And by treaty in 1818 the Osages ceded to the United States the greater portion of their lands west of the line above mentioned.

In August, 1818, the Quawpaws by treaty ceded to the United States all the lands within the following boundaries: "Beginning at the mouth of the Arkansas river, thence extending up the Arkansas to the Canadian fork, and up the Canadian fork to its source; thence south to Big Red river, and down the middle of that river to the Big Raft, thence a direct line to strike the Mississippi river thirty leagues in a straight line below the mouth of the Arkansas. Excepting, however, from this area the following reservation: Beginning at a point in Arkansas river, opposite the present Post of Arkansas, and running thence a due south-west course to the Washita river (Ouichita), thence up that river to the Saline fork to a point from whence a due north course would strike the Arkansas river at the Little Rock, thence down the right bank of the Arkansas to the beginning." I am told the western boundary line of this reservation runs with Rock street in Little Rock, and is "the Quawpaw line" so often referred to in surveys, conveyances and legal proceedings.

In November, 1824, the United States, represented by their agent, Robert Crittenden, entered into a treaty at Harrington's, Arkansas, with the Quawpaws, by which they ceded the above-described reservation to the United States, and thus extinguished their title to that part of Arkansas territory.

On the 20th of October, 1820, the Choctaws ceded to the United States all their claim to lands lying within the present territorial limits of Arkansas.

On the 6th of May, 1828, the Cherokees by treaty agreed to the present western boundary of Arkansas and ceded to the United States all their title to lands within the limits of Arkansas.

On the 25th of September, 1825, at St. Louis, Missouri, the Great and Little Osages entered into a treaty with the United States, represented by Governor Clark of Missouri, by which their title to lands in Missouri and Arkansas was forever extinguished.

By that treaty they ceded the following lands: "Beginning at the Arkansas river where the Osage boundary line strikes it at the mouth of Frog Bayou [in the county of Franklin] thence up the Arkansas and Verdigris to the falls of the Verdigris river; thence east to the Osage line at a point twenty leagues from Arkansas river; and with that line to the beginning."

Thus Indian titles became finally extinguished to the territory of Arkansas.

On the 26th of May, 1824, the western boundary line of Arkansas was established by act of congress, and on the 19th of May, 1828, congress passed an act authorizing the line between Louisiana and Arkansas to be run and established.

CHAPTER V.

FORMS AND METHODS BY WHICH LAND TITLES WERE ACQUIRED FROM FRANCE AND SPAIN DURING THEIR DOMINION OVER LOUISIANA, OF HISTORIC INTEREST.

THE following is the form of conveyance adopted by Law's, or the Royal India Company. The district of Kaskaskia embraced Illinois and all the region northward belonging to the Royal India Company. The old French village of Kaskaskia was located on the Kaskaskia river about twenty-five miles south-east of St. Louis.

Translation of the Register of the United States, in the district of Kaskaskia.

From Judge White's Recopilacion :

Pierre Dugne de Bois Briant, knight of the military order of St. Louis, and first king's lieutenant, of the province of Louisiana, commanding at the Illinois, and Marc Antoine de la Loire des Ursins, principal secretary for the Royal India Company. On the demand of Charles Danie do grant him a piece of land of five arpents in front, on the side of the Mitchiagamia river, running north and south, joining to Michel Phillip on one side, and on the other to Meleque, and in depth east and west to the Mississippi. In consequence they do grant to said Charles Danie (in socage) the said land, whereon he may, from this date, commence working, clearing and sowing, in expectation of formal concession, which shall be sent from France by Messrs. the directors of the Royal India Company, and the said land shall revert to the domain of the said company, if the said Charles Danie does not work thereon within a year and a day.

Signed by

BOIS BRIANT and
DES URSINS

The 10th day of May, 1722.

The following is a good form of petition and concession, for land under Spanish rule, and is an official translation from the Spanish by Judge White.

To his excellency, the Baron de Carondelet :

The most humble petitioner, to your excellency, named Julien Dubuque, having made a settlement upon the frontiers of your government, in the midst of the Indian nations who are the inhabitants of the country, has bought a tract of land from these Indians, and the mines it contains, and by his perseverance has surmounted all obstacles, as expensive as they were dangerous, and after many voyages has come to be the peaceable possessor of a tract of land on the western bank, to which he has given the name of "Mines of Spain," in commemoration of the government to which he belongs.

As the place of the settlement is but a point, and the different mines which he works are scattered at a distance of more than three leagues from each other; your most humble petitioner, prays your excellency to be pleased to grant him the peaceable possession of the mines and lands, that is to say from the coasts, above the little river Maquanquetois, to the coast of the Mesquabemanque, which forms about six leagues on the west bank of the Mississippi, by a depth of three leagues; which demand, your most humble petitioner ventures to hope your goodness will be pleased to grant him.

I beseech this same goodness, which forms the happiness of so many, to endeavor to pardon the style, and to be pleased to accept the pure simplicity of my heart, in default of my eloquence.

I pray heaven, with the whole of my power, that it may preserve, and may load you with its benefits, and I am and shall be all of my life, your excellency's most humble, most obedient and most submissive servant.

NEW ORLEANS, 22 *October*, 1796.

J. DUBUQUE.

Indorsed.

Let information be given by the merchant Don Andrew Todd, on the nature of this demand.

THE BARON DE CARONDELET.

SENOR GOVERNOR:

In compliance with your superior order, in which you command me to give information on the solicitation of the individual interested in the foregoing memorial, I have to say, that as to the land for which he asks, nothing occurs to me why it should not be granted, if you find it convenient, with the condition, nevertheless, that the grantee shall observe the provisions of his majesty relating to trade with the Indians; and that this be absolutely prohibited to him, unless he shall have my consent in writing.

NEW ORLEANS, 29 *Oct.*, 1796.

ANDREW TODD.

NEW ORLEANS, 10 *November*, 1796.

Granted as asked, under the restrictions expressed in the information given by the merchant Andrew Todd.

THE BARON DE CARONDELET.

The flourishing city of Dubuque, named after Julian Dubuque, the grantee, is located on this grant.

The Reynards or Fox Indians on the 22d Sept., 1788, first conveyed this land to Dubuque.

The following relating to the colonization of the Washita and Bayou Bartholomew country in Arkansas is of permanent interest to our history. Copied from Judge White's Recopilacion.

To the Governor-General :

Baron de Bastrop has the honor to make known to you that, it being his intention to establish on the Ouichita, it is expedient that you should grant to him a corresponding permission to erect there one or more mills, as the population may require, as also to stop up the Bayou de Lair, where he proposes to establish the said mills, with a dike in the place most convenient for his works ; and as it appears necessary to prevent disputes in the progress of the affair, he begs also the grant along the Bayou Barthelemi from its source to its mouth, of six toises on each bank, to construct upon them the mills and works which he may find necessary ; and prohibiting every person from making upon said bayou any bridge in order that its navigation may never be interrupted, as it ought at all times to remain free and unobstructed. This request, sir, will not appear exorbitant, when you will please to observe that your petitioner, who will expend in these works twenty thousand dollars or more, will be exposed without these grants, to loss of all the fruits of his labours, by the caprice or jealousy of any individual, who, being established on this bayou, may cut off the water or obstruct the navigation ; not to mention the loss, which the province will sustain of the immense advantages to result from the useful project proposed for the encouragement of agriculture and population of those parts.

NEW ORLEANS, *June 12th*, 1797.

DE BASTROP.

NEW ORLEANS, *June 12*, 1797.

Considering the advantages to the population on the Ouichita and the province in general, to result from the encouragement of the cultivation of wheat and the construction of flour mills

which the petitioner proposes to make at his own expense, I grant him, in the name of his majesty, and by virtue of the authorities which he has conferred upon me, liberty to shut the Bayou de Lair, on which he is about to establish his mills, with a dyke, at the place most proper for carrying on his works. I also grant him the exclusive enjoyment of six toises of ground (a fraction more than thirty-eight feet English measure) on each side of Bayou Barthelemi, from its source to its mouth, to enable him to construct the works and dams necessary for his mills, it being understood, that by this grant, it is not intended to prohibit free navigation of the said bayou to the rest of the inhabitants, who shall be free to use the same, without, however, being permitted to throw across it any bridge, or to obstruct the navigation, which shall at all times remain free and open. Under the conditions here expressed, such mills as he may think proper to erect, may be disposed of by the petitioner, together with the lands adjoining, as estates belonging entirely to him in virtue of this decree, in relation to which the surveys are to be continued and the commandant, Don John Faithiol, will verify and remit them to me, so that the person interested may obtain a corresponding title in form.

It being a formal and express condition of this grant, that at least one mill shall be constructed within two years, otherwise it is to remain null.

THE BARON DE CARDONELET. [L. s.]

Registered

ANDRE LOPES ARMESTO.

Then follows a petition and decree similar to the foregoing, for land on Bayou de Lair, which was granted from its mouth to its source.

The Baron then contracts with the governor-general to subsidize the colonists for six months, which is in words and figures following:

The Baron de Bastrop contracts with his majesty, to furnish, for the term of six months, rations to the families which he has lately introduced at the post of the Ouichita, which are to be composed of twenty-four ounces of fresh bread, or an equiva-

lent in flour, twelve ounces fresh beef, or six of bacon, two ounces of fine *menestra*, or three of ordinary, and one thousandth part of a *celemín* (about a peck) of salt, for which there is to be paid to him, by the royal chests, at the rate of a real and a half for each ration [about 18 $\frac{2}{3}$ cents for each ration].

For which purpose there shall be made out, monthly, a particular account, the truth and regularity of which shall be attested at foot, by the commandant of that post. Under which conditions, I oblige myself, with my person and estate, to the fulfilment of the present contract, subjecting myself in all things to the jurisdiction of this general intendency.

In testimony of which I sign at New Orleans, the 16th of June, 1797.

NEW ORLEANS, *June 16, 1797.* BARON DE BASTROP.

I approve this contract in the name of his majesty, with the intervention of Senor Gilbert Leonard, principal contador of the army, in these provinces for its validity. Two certified copies, one to be directed to the secretary, Juan Ventura Morales.

With my intervention.

GILBERT LEONARD.

Copy of the original remains in my keeping, and which I certify, and is taken out to be passed to the secretary of this general intendency.

NEW ORLEANS, *ut supra.*

GILBERT LEONARD.

The following from the Recopilacion is an important paper also relating to the Spanish colony of the Washita in southwestern Arkansas:

Grand Maison's claim on the Washita.

We, Francis Lewis Hector, Baron de Carondelet, Knight of Malta, brigadier-general of the royal armies of his Catholic majesty, military and civil governor of the provinces of Louisiana and West Florida; Don Francis Rendon, intendant of the army and deputy superintendent of royal domains in the said provinces; Don Joseph de Orue, knight of the royal and distinguished order of Charles Third, principal accountant for the royal chests of this army, exercising the functions of fiscal of

the royal domains; declare, that we agree and contract with the senor Marquis de Maison-rouge, an emigrant French knight, who has arrived in this capitol from the United States, to propose to us to bring into these provinces thirty families, who are also emigrants, and who are to descend the Ohio, for the purpose of forming an establishment with them on lands bordering on the Washita, designed principally for the culture of wheat, and the erection of mills for the manufacture of flour under the following conditions:

1st. We offer in the name of his Catholic majesty, whom God preserve, to pay out of the royal treasury two hundred dollars to every family composed of two white persons fit for agriculture, or for the arts useful and necessary to the establishment, as house or ship carpenters, blacksmiths and locksmiths; and four hundred to those having four laborers; and in the same way one hundred to those having no more than one useful laborer or artificer, as before described with his family.

2d. At the same time we promise, under the auspices of our sovereign monarch, to assist them forward from New Madrid to Washita with a skillful guide, and the provisions necessary for them, till their arrival at their place of destination.

3d. The expenses in transporting their baggage and implements of labor, which shall come by sea to this capitol, shall be paid on account of the royal domains; and they shall be taken on the same account from this place to the Washita, provided the weight shall not exceed three thousand pounds for each family.

4th. There shall be granted to every family containing two white persons fit for agriculture, ten arpents of land, extending back forty arpents, and increasing in the same proportion, to those which contain a greater number of white cultivators.

5th. Lastly, it shall be permitted to the families to bring, or cause to come with them, European servants, who shall bind themselves to their service, six or more years, under the express condition, that if they have families, they shall have a right, after their term of service is expired, to receive grants of land, proportioned in the same manner to their numbers.

Thus we promise, as we have here stated; and that it may come to the knowledge of those families which propose to

transport themselves hither, we sign the present contract with the aforesaid senor Marquis de Maison-rouge, to whom, that it may be made plain, a careful copy shall be furnished.

NEW ORLEANS, 17th of March, 1795.

THE BARON DE CARONDELET.

FRANCIS RENDON.

JOSEPH DE ORUE.

THE MARQUIS DE MAISON-ROUGE.

Having laid before the king what you have made known in your letter of the 25th of April last, No. 44, relative to the contract entered into with the Marquis de Maison-rouge, for the establishment on the Washita, of the thirty families of farmers, destined to cultivate wheat for the supply of those provinces, his majesty, considering the advantages which it promises, compared with the preceding, has been pleased to approve it in all its parts.

By his royal direction, I communicate it to you for your information. God preserve you many years.

MADRID, 14th July, 1795.

GARDOQUI.

To the Intendant of Louisiana :

NEW ORLEANS, Nov. 13th, 1795.

To be transmitted to the principal office of accounts (contaduria) of the army and royal domains, for their information, and two certified copies to be provided for this secretary's office.

RENDON.

Don Gilbert Leonard, treasurer of the army, exercising the functions of royal accountant, and Don Manuel Gonzalles Armirez, exercising those of treasurer, *par interim*, of the royal chests of this province of Louisiana.

We certify that the two foregoing copies are conformable to the originals, which remain in the archives of the ministry of the royal domains under our charge, and that the contractor, the Marquis de Maison-rouge, complied punctually with the terms, which he promised in said contract; and that this may be made manifest, conformably to the order above inserted of

this intendency general, we give the present in New Orleans, the 5th of August, 1803.

GILBERT LEONARD,
MANUEL ARMIREZ.

The Baron de Carondelet, knight of the order of St. John, marshall de camp of the royal armies, governor-general, vice patron of the provinces of Louisiana and West Florida, inspector of troops, &c.

Forasmuch as the Marquis de Maison-rouge is near completing the establishment of the Washita, which he was authorized to make for thirty families, by the royal order of July 14th, 1795, and desirous to remove, for the future, all doubt respecting their families or new colonists who may come to establish themselves, we destine and appropriate for the establishment of the aforesaid Marquis de Maison-rouge, by virtue of the powers granted to us by the king, the thirty superficial leagues marked in the plan annexed to the head of this instrument, with the limits and boundaries designated, with our approbation, by the surveyor-general, Don Charles Laveau Trudeau, under the terms and conditions stipulated and contracted for by the said Marquis de Maison-rouge; and that it may at all times stand good, we give the present, signed with our hand, sealed with our seal at arms, and countersigned by the underwritten honorary commissary of war and secretary of his majesty for this commandancy general.

NEW ORLEANS, *the twentieth of June*, 1797.

THE BARON DE CARONDELET.
ANDRE LOPEZ ARMESTO.

NOTE.—That in conformity to this contract the Marquis de Maison-rouge is not to admit or establish any American in the lands included in this grant.

THE BARON DE CARONDELET.

See Recopilacion, laws of Spain, 551-2.

This grant for thirty leagues of land, Spanish measure, is equivalent to one hundred and thirty-three thousand, one hundred and sixty-five English acres. The old French town of Ecere Fabre, now called Camden, on the Washita river, the county

seat of Washita county, is I think on this grant. This is one of the very few perfect grants ever made by either the kings of France or Spain. But the old company of the Indies, established by John Law, whilst Louisiana was owned in fee by the lord proprietors, granted a vast number of perfect grants. But few grantees of the king's domain in those early times ever proceeded further than presenting their petition, procuring a concession and a survey. These titles, although defective in not having the confirmatory sanction of the crown, passed by sale and inheritance, and were treated as perfect by the colonists and officials. These imperfect grants caused a vast volume of congressional legislation and litigation in State and Federal courts, which lasted seventy-five years.

The Baron de Bastrop was the colonizer of Washita county. In June, 1795, he contracted with the Spanish authorities to bring in five hundred families to "the Washita and its neighborhood for the especial cultivation of wheat, reserving to himself the right to export his flour to Havana when it was not primarily needed in the provinces; and so rapidly did he proceed in the execution of his contract, the Baron de Carondelet the following year granted him one hundred and forty-four leagues of land, which is in round numbers six hundred and forty thousand English acres. This grant included Bayou de Lair and vicinity on the line between Louisiana and Arkansas, and embraces land in both States.

The governor-general and commissary of war, Armesto, in the body of the concession incorporated the following liberal terms:

"The government will charge itself with the conducting of the families from New Madrid to Washita, and will give them such provisions as may appear sufficient support for six months, and proportionally for their seeds. *They shall not be molested in matters of religion*, but the apostolic Roman Catholic worship shall alone be publicly permitted."

It must not be forgotten in connection with what I have said, about the census taken under the order of Gayoso, governor-general, in 1799, that the Washita country does not appear to be embraced in what was then called the Arkansas.

Boundary lines were then very poorly defined, often the

inhabitants of a given locality did not know to what particular jurisdiction or geographical division they belonged. The lines between Texas and Arkansas, and Louisiana and Arkansas were not known and officially established when Arkansas was admitted into the Union.

An amusing illustration of this occurred in 1836, when the people of Arkansas and Texas were at the same time electing delegates to constitutional conventions.

There then lived in a log cabin at a place called Jonesboro on Red river, two brothers, George and Travis G. Wright, both men of fine intelligence. George was elected to the first constitutional convention of Texas, and Travis was elected to the first constitutional convention of Arkansas, and each served well their respective constituents. They were natives of Smith county, Tennessee. Congressional legislation for the adjudication and settlement of these French and Spanish land claims and titles embraces a cycle of seventy years. No question before our national congress has been so fruitful of legislation. The first act was passed in March, 1804, within less than four months after we took possession of Louisiana.

This act created a special tribunal or commission composed of "the recorder of land titles in Missouri" and two associates, who heard the evidence and reported, as we have before stated, to congress, for confirmation or rejection. This tribunal was located at St. Louis, and was the only one having jurisdiction of such claims located in Arkansas, until May, 1824, when congress dissolved the old commission, and conferred jurisdiction to hear and determine these claims on the judges of the superior court of the territory of Arkansas, and in consequence of the extra labor thus imposed on the judges, \$800 per annum was added to the salaries of each. After the admission of the State into the Federal family, this jurisdiction was transferred to the district court of the United States, as the questions involved were exclusively Federal. Adjudication, non-claim, limitation and time which heals and settles all things have finally disposed of these claims, and the questions they involved are now seldom thought of — they have passed to the historian and antiquarian.

CHAPTER VI.

SYNOPTICAL HISTORY OF ARKANSAS FROM THE ACQUISITION OF LOUISIANA TO THE ADOPTION OF THE CONSTITUTION OF 1836.

CONGRESS, by act of the 26th of March, 1804, divided Louisiana and created two territorial governments. The southernmost was called the territory of Orleans, the remainder the territory of Missouri.

By this act Arkansas was embraced in the territory of Missouri.

On the 8th of April, 1812, the territory of Orleans was admitted into the Union as the State of Louisiana, and on the 4th of June the same year, the territorial government of Missouri was created and the old Spanish parish of Arkansas was embraced in the new territorial government. The integrity of the territory embraced in the old parish was, during all these mutations, maintained until the 13th of December, 1813.

On that date the territorial legislature of Missouri created the county of New Madrid, and extended it down the Mississippi to a point directly east of the mouth of Little Red river; thence to the mouth of Red river; thence up Red river to the Osage purchase; thence north to the Missouri line.

At the same time the county of Lawrence was created by "cutting off a part of *Arkansas county*." On the 15th of December, 1818, the legislature of Missouri created three new counties out of the south-western portion of Arkansas county, to-wit: Pulaski, Clark and Hempstead. On the 2d of March, 1819, the territorial government of Arkansas was created by cutting off these five southern counties and the major part of New Madrid county from the territory of Missouri.

The act of congress creating the territorial government extended over it all the laws of Missouri of a general nature in force on the 4th of July, 1819, until the same should be altered or modified by the new government thus created.

The organic act created the offices of governor, secretary and three judges of the superior court, all to be appointed by

the president and confirmed by the senate. A provisional government was created, subsidiary to the regular territorial government it was to provide for and call into being, after which it was to cease.

This provisional government was clothed with legislative power vested in the governor and three judges of the superior court — a strange union of the executive, judicial and legislative functions of government in the same men.

To the author this has always appeared a strange anomaly, a curious inconsistency and contradiction of great fundamental principles underlying our organic laws, both State and Federal.

The framers of our federative system manifested great solicitude to keep these functions distinct, independent, co-ordinate. But the precedent was established in the celebrated ordinance of 1787, for the government of the territory of the United States north-west of the Ohio and the first territorial government ever organized by congress, and it has, I believe, been uniformly followed.

James Miller was the first governor, Robert Crittenden the first secretary, Charles Jouett, Andrew Scott and Robert P. Letcher the first judges of the superior court; all appointed by President Monroe.

That ancient trading post, established by the French in 1721—Arkansas Post — was designated as the capital until the legislature should select some other site.

After the provisional government had performed its functions, the legislative department was divided into two branches: first, a house of representatives chosen by the qualified electors of the territory, not to exceed nine until the white male adult population exceeded five thousand; second, a legislative council, not to exceed one from each county, to be elected for a term of five years, members of the house being elected for two years.

Governor Miller appears to have taken but little interest in the affairs of the territory, and to have been absent much of the time during his four years' administration.

The secretary was *ex-officio* governor in the absence of the chief executive.

Robert Crittenden as "acting governor" issued his proclamation and convened the provisional government on the 3d of August, 1819. On that day six laws were enacted and promulgated, and in the evening of the same day the provisional legislature adjourned *sine die*.

One of these laws extended the laws of Missouri of a general nature over the jurisdiction of Arkansas, which was entirely unnecessary because congress had so provided in the organic act.

The offices of auditor and treasurer were created, and the salary of each was fixed at \$300, on which an improvement has subsequently been engrafted, but not during our territorial pupilage.

By another act of the provisional government the territory was divided into two circuits, and the practice in these courts regulated.

The counties of Arkansas and Lawrence constituted the first circuit; Pulaski, Clark and Hempstead the second; and three terms per annum were to be held in each county.

The governor was authorized to appoint and commission two judges to preside over these circuits for a term of three years.

This assumption of power was an invasion of the jurisdiction of congress and the constitutional prerogatives of the president and senate, to appoint the Federal judiciary, and the acts of the provisional government to this extent were ignored by the national government.

In this connection, as a matter of justice to the members of the provisional government, it ought to be stated that a literal interpretation of the act creating the territorial government prescribing and defining its powers seems to warrant the power assumed.

This act conferred on the circuit judges power to appoint clerks of court, and directed the governor to appoint and commission "a suitable person learned in the law as circuit attorney for each of the circuits established."

Here we may state, to avoid confusion, that the judges of the "superior courts" were assigned to the circuits, and that when the circuits were increased to four, congress authorized the appointment of a fourth judge to meet the requirement.

As a matter of interest to lawyers of this generation the author copies from the seventh section of the act creating the territorial government defining the jurisdiction of the "superior courts." "The superior courts shall have jurisdiction in all criminal cases, and exclusive cognizance in all capital cases, and shall have and exercise original jurisdiction concurrently with the inferior courts, and exclusive appellate jurisdiction in all civil cases in which the amount in controversy shall be \$100 and upwards."

By a strange *casus omissus* in the territorial legislation of Missouri, the county of Arkansas was not included in any judicial circuit, and her judicial machinery consisted alone of justices' courts and a court of common pleas.

Probably it was too remote and inaccessible — there were no roads and no bridges spanning the streams then.

To obviate this difficulty congress, in 1814, authorized the president to appoint an additional judge for the territory of Missouri, who should hold his office for four years and reside in or near the village of Arkansas.

We must not confound the village of Arkansas with the Post of Arkansas; these villages were in close proximity, but located on opposite sides of Arkansas river, the former being the county seat of Arkansas county in those days.

This primitive legislation was attested under the following form of certificate:

"In testimony whereof, we, Robert Crittenden, secretary of the territory of Arkansas, and exercising the government thereof, and Charles Jouett, Robert P. Letcher and Andrew Scott, judges of the superior court, in and over the said territory, have hereunto set our hands at the Post of Arkansas, on the third day of August, in the year of our Lord, one thousand eight hundred and nineteen, and of the independence of the United States the forty-fourth."

ROBERT CRITTENDEN.

C. JOUETT.

ROBERT P. LETCHER.

ANDREW SCOTT.

This certificate was added to each separate act of legislation.

How truly and pathetically has General Albert Pike said: "Arkansas has done nothing to preserve, in a permanent form, the names and fame of her worthy sons from oblivion."

These old laws and all connected with them ought to be guarded and preserved with profound veneration.

But as the Hon. James A. Gaither, of Kentucky, one of the collateral relations of Judge Thomas J. Lacy, deceased, says in a recent letter to the author: "In this democratic country we run back to the hundredth generation of horses and bulls when we don't know who our grandmothers were."

The first legislature elected by the people convened the 1st of February, 1820, at Arkansas Post, and remained in session five months, and on the 1st of July adjourned over until the 1st of October.

Joseph Hardin was elected speaker of the house of representatives, and Edward McDaniel, president of the council.

At that time the law required an attorney to reside two years in the territory before he could apply for license to practice his profession. The first legislature passed a special act of grace exempting Rufus P. Spalding from this long probation. In 1821 the law was repealed.

The county seat of Pulaski was located at Cadron. William E. Woodruff was, by resolution, appointed public printer to the territory, a position long and honorably held by the old pioneer. Mr. Woodruff told the author, many years ago, that he shipped his little printing press down the Ohio and up the Arkansas river to Arkansas Post in a canoe in 1819; that the first issues of the paper were about twelve inches square, and his first domicile a rude board shed. This little paper was the mother of the flourishing *Gazette*.

At the adjourned session in October, Amos Wheeler, in behalf of himself and others, memorialized the legislature, praying the removal of the seat of government to "the Little Rock," and as inducement offered many facilities "for the use of the territory and the general assembly." The memorialists were landed proprietors. On the 18th of October, 1820, the legislature passed an act removing "the temporary seat of government to 'the Little Rock,'" and on the same day by joint

resolution instructed the governor to demand from the proprietors all the facilities promised. This legislature also authorized Pulaski county to build a jail, not to cost exceeding \$1,000, and to build a court-house not to cost exceeding \$400.

That political corporation has recently appropriated \$80,000 for these purposes.

Miller, Crawford, Phillips and Independence counties were created. Crawford was cut off of the west end of Pulaski.

The code *duello* was then a part of the *lex non scripta* of the frontier, to which every gentleman was expected to give adhesion when circumstances required it.

A moral cyclone seems to have struck this legislature which found eccentric manifestations in a large resolution *requesting* all justices and other civil officers of the territory to take special notice and bring to justice all offenders against Sabbath laws. This was supplemented by "an act to suppress duelling," by which it was made the duty of justices and coroners "to inquire into the cause of death of any person killed in a duel, or who dies of a wound received in a duel."

And, "if the justice or coroner in his certificate shall say that the death was occasioned by a wound (which he shall describe), that he has reason to believe was received in a duel with J. H., it shall be good evidence for a grand jury to find a true bill." History has left no record as to how often J. H. violated the law, or how many antagonists he killed or wounded, but all along the line we do find that the law was a dead letter.

That remnant of barbarism, the old *casa* law, imposing imprisonment for debt, was then in force in the territory, and this legislature wisely and humanely mitigated its rigor by extending the prison bounds of the debtor to an area of fifty acres adjoining the jail, and if he would feed himself the prison bounds were extended to the whole township in which the jail was located.

A tax on land was imposed amounting to \$1.50 per hundred acres, and other species of property in proportion.

Circuit courts were abolished and common pleas courts substituted with three judges in each county to compose the court, whose sole qualification required by the act was that each judge "should be a respectable householder."

The folly and ignorance in which this act originated soon became manifest, and the succeeding legislature repealed it and restored the old system, to the organic basis required by congress.

This session established a precedent for payment of members at \$4 *per diem*, the speaker of the house and president of the council received each \$5 *per diem*, and mileage was given at the rate of \$3 for every twenty-five miles traveled by the members.

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The second legislature convened at Little Rock in October, 1821. Wm. Trimble was elected speaker of the house, and Sam. C. Roane, president of the council.

Common pleas courts were speedily abolished and circuit courts were restored, three terms of the latter being required in each county annually.

The tenure of office with circuit judges was reduced from four to two years, and another attempt was made to confer the appointing power on the governor, but it was an invasion of national authority and was not recognized when brought to the attention of congress. My authority for this statement is found in the fact that all the territorial judges were appointed and commissioned by the president, and that the judges of the superior courts were assigned to the circuits as they were created.

This legislature authorized the governor to borrow \$10,000 for the benefit of the territorial treasury, but no such power was conferred by the organic act, and capitalists stood aloof; not a dollar could be obtained on the basis of such authority, and the succeeding legislature repealed the act.

An act was passed declaring all future elections should be held *viva voce*, and I presume such continued to be the law during territorial pupillage as I have been unable to find where the law was repealed.

The territory was again re-districted and divided into three circuits, and the judge of each was required to reside in his circuit.

This legislature set the bad example of granting legislative divorces, and the precedent was followed in numerous instances by this and subsequent legislatures. It was a clear invasion of judicial functions by the legislative department.

Another precedent of doubtful policy was established at this

session, and followed in a great number of instances by subsequent legislatures in the appointment of commissioners to locate county seats, with little or no restraint on the exercise of arbitrary power over the matter.

The preceding legislature enacted a law requiring the superior courts of the territory to be held in each judicial district, the present legislature repealed the law, and ordained that these courts should be held at the capital.

Three hundred copies of the session laws were ordered published and distributed to the officers of the government.

Governor Miller seems to have been absent during the entire session, as all the published acts were approved by Robert Crittenden as "acting governor."

The third session convened at the capital on the first Monday in October, 1823, and Terrence Farrelly was elected speaker of the house, and Sam. C. Roane president of the council, and Robert Crittenden was again "acting governor" during the entire session.

The office of prosecuting attorney was restored; his compensation was fixed at \$300 and the fees of office, and he was required to represent the people in all the superior courts held in his circuit.

Sheriffs were released from giving special bond for the collection of taxes. Another practice act was passed prescribing the practice in the circuit and superior courts. Rape was made punishable with death. The law limiting real actions was repealed, and fifteen years was given in which to bring a real action. Three hundred copies of the session laws were ordered printed and distributed.

The fourth session convened at the capital on the 3d of October and adjourned on the 3d of November, 1825. Robert Bean was elected speaker of the house, and Jacob Barkman president of the council.

John Quincy Adams, by choice of the house of representatives, succeeded President Monroe in 1825, and Governor Miller's official head fell into the basket to make room for George Izard, as governor of the territory of Arkansas. During this era of territorial pupilage political and partisan excitement ran high. Chester Ashley and Robert Crittenden were the ac-

knowledgeed chiefs and leaders of the respective parties. Both possessed great abilities and were worthy of the clans they led. There was no neutral ground in the area controlled by these leaders. When a stranger moved into the jurisdiction he had to take sides. Many political duels resulted, which will be noticed in these memoirs.

Prominent whigs and prominent democrats were now equally and strongly interested in removing the stringent disabilities consequent on having been either principal or factor in a duel, and the act was repealed at this session. Our exemption laws originated with this legislature in an act exempting \$50 worth of personal property in the hand of the head of a family from seizure for debt. And with this session also originated the statutory presumption of a person's death after an unexplained absence of five years. Under this statute a live man's estate was administered on and disposed of, after which he returned and demanded restitution from the judge who had sanctioned the presumptive procedure, and the judge gave him letters of administration on his own estate as the only way out of the dilemma.

At the end of 1825 the counties numbered thirteen: Arkansas, Conway, Chicot, Crawford, Crittenden, Lawrence, Miller, Hempstead, Independence, Pulaski, Izard and Phillips, and to meet the necessities constantly recurring from the creation of new counties, the territory was again re-districted and divided into three circuits. Public necessity demanded four judges. The legislature memorialized congress asking for another judge, having by this time learned that the national government would not tolerate an attempt to supplant its authority over the judiciary. The fifth session convened on the 1st and ended on the 31st of October, 1827. Ambrose H. Sevier was elected speaker of the house and Daniel T. Witter president of the council. The citizens of Little Rock were exempted from working on roads at a greater distance than ten miles from town. The territory was now divided into four judicial circuits, and William Trimble, Benjamin Johnson, Thomas P. Eskridge and the newly appointed James Woodson Bates, were assigned to the circuits in the order named.

Judge Bates was appointed under a special act of congress in response to the memorial sent up by the legislature of 1825. He was an able lawyer, jurist and polished writer, and was called "The Junius of the West." He possessed charming conversational powers and would sit up all night entertaining his auditory. His professional brothers also called him "The Chesterfield of America." As a writer he had no rival in the territory until the star of General Albert Pike ascended to the zenith never to set.

A special session of the legislature was convened on the 6th and adjourned on the 22d of October, 1828.

John Wilson was elected speaker of the house and Edwin L. Clark president of the council. At this session the judicial districts were again remodeled, and if any of the judges failed to comply with the provisions of the act the governor was requested forthwith to report them to the president.

A memorial was addressed to the secretary of war setting forth Indian depredations in the south-west on the defenseless inhabitants of Miller county, and in the language of the memorial "calling loudly on the general government for more adequate protection."

The short-lived county of Lovely was abolished and the territory embraced in it attached to the county of Washington.

A part of the land acquired by the Cherokee treaty was attached to Izard, Independence, Conway and Crawford counties.

Conway county gave the territorial legislature much trouble about her county site, county buildings and county lines. Conway always came to the front with her grievances.

In March, 1829, President Jackson appointed John Pope, of Kentucky, governor, who made an eminently wise and conservative executive.

The sixth session convened on the first Monday in October, 1829. The first act passed under Governor Pope's administration demonstrated his claims to popular favor. With one broad democratic sweep it declared the offices of prosecuting attorney, clerk of the superior court, clerks of the circuit courts, sheriffs, coroners, constables and county surveyors elective offices. The machinery for holding elections and punish-

ing fraudulent voting was provided by the same act. Governor Pope's signature approving this act is the first record we have of him.

This legislature made another great advance by enacting the first law ever made in the territory in restraint of gaming, and declaring all gambling contracts void. Before this law prohibited it, faro banks and other species of gambling were indulged in the presence of the courts. We learn from General Pike's autobiography that a faro bank was run in the court-house at Van Buren whilst the court was being held in an adjoining room.

The third act by this reform legislature established county courts in every county, and conferred probate powers over estates, guardians and administrators. In fact this court then exercised all the powers which our county and probate courts now exercise. The office was made elective. An act supplementary to the judicial system, re-districting the territory and re-assigning the judges, was passed. Judges Trimble, Johnson, Eskridge and Bates, in the order named, were assigned to their respective circuits. An act of this legislature imposed the death penalty against persons found guilty of stealing horses, mules or negroes.

In February, 1829, congress amended the organic act of the territory, by delegating to the territorial legislature the power to elect justices of the peace, and in November, 1829, the legislature memorialized congress and asked that the power to elect justices of the peace be conferred on the electors of each township.

Robert Crittenden was secretary of the territory from its organization in 1819 to the accession of President Jackson in 1829. William S. Fulton succeeded Crittenden as secretary in 1829, and on the 9th of March, 1835, succeeded Governor Pope as governor of the territory.

The seventh session of the territorial legislature convened on the 3d of October, 1831. Wm. Trimble was elected speaker of the house, and Charles Caldwell president of the council. Two acts stand out conspicuous in the history of this legislature; one taxes "clock-peddlers" §30; the other is headed "An act to regulate attorney's fees," and it provides a free list, and pro-

hibits any attorney, solicitor, prosecutor or district attorney from demanding any fee, tax, docket or record fee in any declaration, judgment, bill, decree or demurrer. An act was also passed giving petit jurors power to assess fines and punishments in criminal cases, and gave the defendant after conviction the right to say whether the judge or jury should assess his punishment. A new apportionment of legislative representation was made at this session, giving one representative to every five hundred free white male citizens, and after the census of 1833 the governor was authorized to issue his proclamation declaring and fixing the representation.

The politician and political economist of to-day might add an important lesson to their store of knowledge by consulting a memorial to congress asking an additional \$1,000 to defray the expenses of this and an extra session, for the alleged reason that the \$5,000 appropriated for that purpose had been exhausted.

The eighth session convened on the 7th of October, 1833. John Wilson was again elected speaker of the house. This session voted \$500 to Robert Crittenden as extra compensation for services rendered by him in going to Washington in 1820 to promote special legislation for the territory. It has handed down a legal curiosity in the shape of an omnibus divorce bill, severing the marriage tie between eleven couples in one act.

The ninth and last territorial legislature convened on the 5th of October, 1835, and adjourned on the 16th of November.

John Wilson was elected speaker of the house, and Charles Caldwell president of the council. Conspicuous and forever memorable in the history of our State is the act of this session calling a constitutional convention, which convened on the 4th of January, 1836. John Wilson was elected president of the convention, and Charles P. Bertrand, secretary. There were many lawyers in that convention who were either then or afterward became distinguished, notably James Woodson Bates, Thomas J. Lacy, Sam. C. Roane, Andrew Scott, William Cummins, Absalom Fowler, Grandison D. Royston, Townshend Dickinson and David Walker.

The State was admitted on the 15th of June, 1836. The preamble to the act of admission recites the population at forty-seven thousand seven hundred, and declares the State

entitled to one representative in congress. Archibald Yell was the first representative in congress from the new State.

Governor William S. Fulton and Ambrose H. Sevier were the first senators in congress. Governor Fulton was re-elected in 1840, and died before the expiration of his second term in the senate.

Thomas J. Lacy, Townshend Dickinson and Daniel Ringo were by the legislature elected the first judges of the supreme court.

The first legislature under the new State government incorporated the State and Real Estate Banks, both of which institutions have proved an unmitigated curse to the people of the State and her good name.

Colonel Ben. T. DuVal says of these banks: "The debts created in their establishment have been disastrous in the extreme. They have hung like a cloud over the fair name of the State, and have obstructed its development from the beginning." A joint committee of the legislature in 1842 having under consideration the management of the Real Estate Bank, in their report employ the following language: "All the above facts having been duly considered, your committee unhesitatingly express it as their opinion, that the conduct of the managers of the Real Estate Bank, from its earliest commencement to the present time, has been distinguished by a series of acts in disregard and open violation of its charter.

"Alike indifferent to the restrictions of its charter, its faith to the State, the honor and credit of the institution, and of the consequences which might result to the community, influenced principally by one motive, and one only, that of appropriating to themselves and the stockholders generally the effects of the bank." But it is not within the scope of this work to go into the details of this unfortunate institution.

CHAPTER VII.

SHOWING THE CONNECTION BY CONSANGUINITY AND AFFINITY BETWEEN "THE FAMILIES OF THE REIGNING DYNASTY OF ARKANSAS," FROM 1820 TO 1860.

THE Conway family with its connections and ramifications constituted the reigning dynasty in Arkansas from 1820 to 1860, and held all the great offices with rare exceptions. Now and then, some lofty and daring spirit would tear down the barrier, break through the line of official succession and ride on the tidal wave of his own creation into office without the patronage and against the will of the powerful combination.

And as it will much facilitate the reader's understanding of the political complications and combinations treated in the progress of this work the author gives the relationship by blood and marriage between the powerful families holding high official position so long prior to the civil war.

Ann Rector, wife of Thomas Conway, was the paternal aunt of Governor Henry M. Rector, her six distinguished sons being first cousins to the latter.

Susan Conway, the paternal aunt of the governors Conway, married John, the son of Colonel Valentine Sevier, nephew to Governor John Sevier, one of the heroes of Kings Mountain, who was *six times* elected governor of Tennessee and died during his second term in congress.

Ambrose H. Sevier, the son of this marriage, married Miss Juliet, the daughter of Judge Benjamin Johnson, sister to Hon. Robert W. Johnson. Sevier and Governor Fulton were the warmest personal and political friends through life.

Ambrose H. Sevier, son of the senator, married Miss Wright, grand-daughter of Governor Fulton.

Governor Churchill married Miss Annie, daughter of Senator Sevier, and is grand-nephew to Governor John Pope.

Major Wharton Rector, paymaster in the United States army, so often mentioned and so celebrated in our early history,

was the uncle of Governor Rector and Elias Rector, who is known to our local literature as "The fine old Arkansas gentleman," the two latter being first cousins.

Wm. Walker, an eminent lawyer, dating back to territorial times, but yet living, married Mary A. R. Rector, daughter of Major Wharton Rector, of the army.

"The fine old Arkansas gentleman" married Catharine I., the daughter of Captain Wm. Du Val, sister to our distinguished citizen, Hon. Ben. T. Du Val.

STATEMENT showing the term of service and the various offices held by this powerful family connection.

GOVERNOR.

John Pope.....	1829 to 1835.....	6 years.
Wm. S. Fulton.....	1835 to 1836.....	1 year.
James S. Conway.....	1836 to 1840.....	4 years.
Elias N. Conway.....	1852 to 1860.....	8 years.
Henry M. Rector*.....	1860 to 1862.....	2 years.
Thomas J. Churchill.....	1881 to 1883.....	2 years.
*Elected for four years, served only two.		————— 23 years.

SECRETARY OF THE TERRITORY.

Wm. S. Fulton.....	1829 to 1836.....	6 years.
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CLERK TERRITORIAL HOUSE REP.

Ambrose H. Sevier....	1821 to 1823.....	2 years.
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TERRITORIAL LEGISLATURE.

A. H. Sevier.....	1823 to 1829 ..	6 years.
Elected speaker in '27.		

TERRITORIAL AUDITOR.

Elias N. Conway.....	1835 to 1836.....	1 year.
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SURVEYOR-GENERAL OF THE TERRITORY.

James S. Conway....	1825 to 1836.....	11 years.
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RECEIVER OF PUBLIC MONEYS.

Henry W. Conway.....	1820 to 1823.....	3 years.
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JUDGE TERRITORIAL COURT.

Benjamin Johnson.....	1821 to 1836.....	15 years.
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JUDGE FEDERAL COURT.

Benjamin Johnson.....	1836 to 1849.....	13 years.
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JUDGE STATE CIRCUIT COURT.

George Conway.....	1844 to 1848.....	4 years.
William Conway, B.....	1840 to 1843	3 years.

JUDGE SUPREME COURT.

William Conway, B.....	1846 to 1848 ..	2 years.
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STATE AUDITOR.

Elias N. Conway.....	1836 to 1849.....	13 years.
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STATE TREASURER.

Thomas J. Churchill.....	1874 to 1881.....	6 years.
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PROSECUTING ATTORNEY.

Robert W. Johnson	1840 to 1842.....	2 years.
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ATTORNEY-GENERAL FOR THE STATE.

Robert W. Johnson	1840 to 1842....	2 years.
He resigned this to accept a seat in congress.		

FEDERAL CONGRESS — HOUSE OF REPRESENTATIVES.

Henry W. Conway.....	1823 to 1827.....	4 years.
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But was elected to a third term — killed in a duel with Robert Crittenden in fall of 1827.

Ambrose H. Sevier.....	1827 to 1836.....	8 years.
Robert W. Johnson	1847 to 1853.....	6 years.

FEDERAL CONGRESS — SENATE.

Ambrose H. Sevier.....	1836 to 1848.....	12 years.
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Resigned in 1848 to negotiate treaty with Mexico, and died December, 1848.

William S. Fulton.....	1836 to 1844.....	8 years.
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Died August, 1844, before expiration of office.

Robert W. Johnson	1855 to 1861.....	6 years.
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CONFEDERATE STATES — CONGRESS.

Robert W. Johnson.....	1861 to 1862	1 year.
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CONFEDERATE STATES — SENATE.

Robert W. Johnson	1862 to 1865.....	3 years.
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Elias Rector	{ U. S. marshal, 20 years.....	} 30 years.
	{ Indian agent, 10 years.....	

Aggregate.....	<u><u>190 years.</u></u>
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ANN CONWAY.

CHAPTER VIII.

THE CELEBRATED CONWAY FAMILY.

THE history of Arkansas would be incomplete without the Conway family being embraced. They are very prominent factors from 1819 to 1860. The family is of high and ancient lineage. In following up the ancestral line we are carried back to the reign of Edward I, of England, in the latter part of the thirteenth century, to the celebrated castle of Conway, on Conway river, in the north of Wales, where the lords of Conway, in feudal times, presided in royal style. They have made a history in England which will be preserved, but it is with their descendants in America we are now treating.

Thomas, a noble scion of the ancient house of Conway, like many other younger sons of the British nobility who were cut off by the laws of entail and primogeniture from inheriting either property or the peerage, came to America about 1740, and settled in the colony of Virginia. These gentry, connected as they were with the nobility of Great Britain, principally settled in Virginia and gave origin to that republican butt of sarcasm long known as the "first families of Virginia;" and the caste is still preserved without any royal sinecures and appendages to support it in democratic America. But whilst this is an admitted fact, it must not be forgotten that these noble scions have engrafted much vigorous blood on our people and have left their imperishable impress on the spirit and the genius of our institutions, and we can well afford to indulge their noble ancestral pride even if we deny the assumption that the best blood of people is not so certainly transmitted as that of animals.

Henry Conway was the only son of the first emigrant; he was a colonel first, and then a general in the revolutionary service of the colonies. His daughter, Nellie Conway, was the mother of President Madison; his son, Moncure D. Conway, was brother-in-law to General Washington. The father of Governor John Sevier of Tennessee was intimately associated

in the revolutionary war with General Henry Conway as an officer in the same army.

These comrades owned much slave and other property, and to preserve it from British capture and confiscation in the approaching struggle, sent their families and property in charge of their sons, Thomas Conway and John Sevier, across the Allegheny mountains. They settled in what is now known as Greene county, Tennessee, near the present town of Greenville. Thomas Conway, the father of the illustrious sons whose history we are writing, married Ann Rector, a native of Virginia, whose lineage we will give hereafter as the mother of more distinguished sons than any woman in America. Seven sons and three daughters were the fruits of this marriage. Common interests and common dangers cemented the friendship between the Conways and Seviers.

Two sisters of Thomas Conway married sons of Governor John Sevier, and the third sister married John Sevier, the governor's nephew, a prominent lawyer in the early days of Tennessee. Ambrose H. Sevier, our distinguished senator in congress, was born of this marriage.

Thomas Conway was president of the senate during the short life of the so-called State of Franklin. He was blessed with strong native intellect, great energy, force of character and strong individuality. These qualities drew to him the admiration and warm friendship of General Jackson, and insured the sons a passport to the heart of the old hero.

General Jackson was a splendid judge of human nature, and his friendship was always accorded to deserving men of solid worth, firmness of decision and character; and their loyalty never failed him either on the field or in the senate, and no man ever guarded the interests of his friends with greater fidelity or more immovable purpose than he did. He was a frequent guest at the mansion of his friend Conway, where sire and son alike drank at the fount of his noble inspiration; and this friendship is as pleasing as it is an honorable heritage to the Conway descendants.

That old and honored historic land-mark of Arkansas, Governor Elias N. Conway, the last survivor of the ten children of Thomas Conway and Ann Rector, imparts this information to



HON. HENRY W. CONWAY.



EX-GOV. JAMES S. CONWAY.

the author; and his beneficent countenance rekindles at sacred altars as he spans the tide of years in his mental voyage to that sacred shrine in the wilderness of East Tennessee where he sat on the lap of the noble guest and heard the story of "how battles were fought and fields won."

The father secured the services of the best teachers, and gave all of his children good educations, and the boys all excelled in mathematics.

In 1818 he moved to the old French village of St. Louis, in the territory of Missouri but did not remain there long until he moved to that splendid body of lands now embraced in Boone county, Missouri, where he continued to reside until his death, in 1835.

We will now give the history of the sons in the order of seniority:

Henry Wharton Conway, the eldest son, was born in the stately Conway mansion on the banks of Chucky river, in Greene county, Tennessee. But as the marble shaft which commemorates his memory contains a synopsis of much of his history, I copy entire the heraldry which greets the visitor to the cemetery at Arkansas Post:

"Sacred to the memory of Henry W. Conway, who was born in Tennessee, 18th March, 1793, entered the United States Army Ensign in 1812,— was promoted to 2d Lieutenant in 1813.

"Fought at Fort Boyer, Mobile Point (commanded by Capt. Lawrence), at the defeat of the British fleet and land forces and the destruction of the commodore's vessel in 1814 — was retained in the service as 1st Lieutenant in the peace — Resigned and received an appointment in the Treasury Department at the City of Washington in 1817 — Resigned and emigrated to Missouri in 1818 — emigrated to Arkansas in 1820, having been appointed Receiver of Public Moneys — Resigned and was elected delegate to congress in 1823, was re-elected in 1825 and 1827 by large majorities. Was unfortunately mortally wounded in a duel with Robert Crittenden on the 29th Oct., and died 9th Nov., 1827, aged 34 years, 7 months and 21 days, deeply lamented by all who knew him.

"This Tomb is erected as a small memento of his great worth by his devoted Bro. James S. Conway."

His uncle Major-General George Conway was the first to receive that high grade from the State of Tennessee, being elected by the first legislature in 1797. General Conway was succeeded by General Andrew Jackson.

He inherited the martial spirit of his ancestors in two hemispheres, and when but sixteen years old became the *protege* of General Jackson, and a soldier in the war of 1812 under him with the rank of second lieutenant. The general promised his mother and father to take good care of him, and they sent their faithful servant, George, to wait on his young master.

He commanded a detachment to watch the movements of the British off the coast of Mobile, and being on this detached service prevented him from participating in the great battle of the 8th of January, 1815.

After the conclusion of peace he was retained as an officer in the regular army, and assigned to an important command in the north-west, being stationed at Green Bay nearly two years. The exciting incidents of war passed away and the service became monotonous to the young soldier and he resigned to accept a bureau in the treasury department. This in turn became monotonous and he resigned, and in connection with his brother James Sevier Conway (the first governor of the State of Arkansas) took a contract to survey a large body of lands in the territory of Missouri, embracing the county, now State, of Arkansas. These brothers came in the spring of 1820, just before the organization of the territorial government. Henry W. was receiver of public money under Monroe's administration. As soon as it became known that a territorial government had been created by congress, his business sagacity suggested the financial advantages which would accrue to those owning the permanent site of the capital city. With this view he organized a town-site company, consisting of himself, Wm. Russel, Judge Wm. Trimble, Robert Crittenden and Robert C. Oden, and they became owners of the present site of Little Rock, believing its eligibility and their united influence would cause it to be adopted as the site of the capital city, and time has confirmed their wisdom. This was the first joint-stock company formed in Arkansas after the creation of a territorial government un-



HON. WILLIAM B. CONWAY.



GOV. ELIAS NELSON CONWAY.

HISTORY OF ARKANSAS
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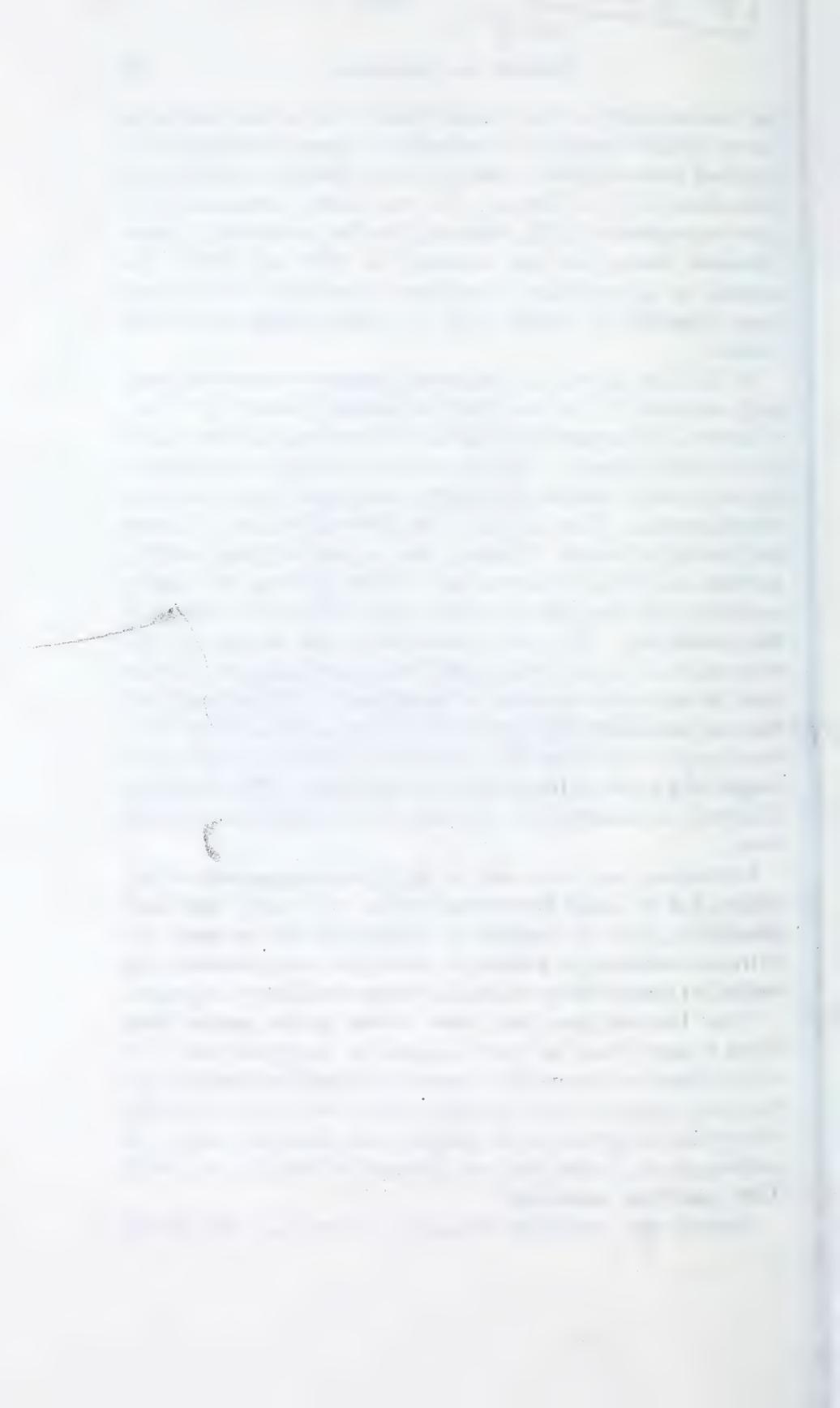
der the authority of the United States; but, as we have seen in our historic chapter, a colonization company was formed one hundred years before by John Law and associates under grant from Louis XV, of France. He was elected territorial delegate to congress in 1823, defeating the first incumbent, James Woodson Bates, and was re-elected in 1825 and 1827. He secured an appropriation by congress to build the military road from Memphis to Little Rock, and from thence on to Fort Smith.

In 1827 his right to a third term in congress was warmly and ably contested by his old townsite partner, Robert C. Oden, who was ably supported by Robert Crittenden, another one of the townsite partners. The democratic party was then centering on General Jackson, and party lines were drawn to their utmost tension. These contests often drew after them a history and record of blood. Conway was a man of great ability, spirited, sensitive, chivalrous and fearless, perhaps, to a fault; certainly so in the light by which these things are viewed at the present day. He was as honest as he was fearless in the expression of his conviction that Crittenden had gone further than his relations warranted in the support of Oden; and that the zeal and ability displayed in the effort to defeat his election was fraught with more than political significance, and challenged him to atone for it on the field of honor. This challenge followed immediately on the heel of his election to a third term.

Crittenden, too, was a man of dauntless courage and exalted ability, but it is said by contemporaries with much force and plausibility, that his support of Oden did not warrant the extremes embraced in Conway's convictions, and, therefore, he replied to the challenge in the following conciliatory language:

"Mr. Conway, you have been elected by the people three times to serve them as their delegate in congress; you have served them two terms with honor to yourself and satisfaction to them; they now have superior claims on you, go and discharge this obligation to the people, and when you return, if nothing short of what you now demand will satisfy you, I will then meet your demands."

Conway then published him as a coward, and cut off all



honorable accommodation but the field. Major Wharton Rector, of the United States army, acted as the friend of Mr. Conway, and Colonel Ben. Desha as the friend of Mr. Crittenden.

The duel was fought on the 29th October, 1827, on an island in the Mississippi, opposite the mouth of White river; tradition says John J. Crittenden, long a distinguished senator in congress, was present; Robert was his *protege* and youngest brother. Governor Elias N. Conway informs the author that there was a serious misunderstanding of the cartel, which (it is claimed by the friends of Mr. Conway) saved the life of his adversary and sacrificed his own.

Wharton Rector understood the backs of the principals were to face until after the word "fire," when they were to wheel half round to the right and fire.

Desha understood they were to stand with their right sides facing, and were not to move out of their tracks before firing (this was the way they fought), leaving Crittenden the advantage of the method in which he had been instructed, and Conway the reverse.

Conway's pistol exploded an instant in advance of his adversary's and the lint flew from the breast of Mr. Crittenden, the ball passing through the lappel of his coat without inflicting any injury. This caused Colonel Desha to lean forward in great anxiety and ask, "Mr. Crittenden, are you seriously hurt;" to which he replied in the negative, but said, "I fear I have killed Mr. Conway," who reeled and fell the next moment, pierced through the body, from which he died eleven days afterward.

He was a noble specimen of intellectual and physical manhood, and fell a deeply regretted sacrifice to the false teachings of the times in which he lived. He was never married.

A fine oil painting by one of our American masters perpetuates his features and adorns the residence of his youngest brother, Governor Elias Nelson Conway.

Many versions of this contest have been published in the ephemeral literature of the times, many varying many degrees from the truth, but the author regards the version here given as correct.

Governor James Sevier Conway, the second son and first governor of the State of Arkansas, was born in 1798. He came with his brother Henry, as previously stated, to the county of Arkansas, in the then territory of Missouri, early in 1820, in the interest of a large contract to survey the public lands, and he was soon after appointed surveyor-general of the territory. Although young, they were men of great activity and enterprise, and were thoroughly conversant with the details of business. They had from ten to fifteen surveying parties in the field; each attended to his allotted portion, and all the details connected with it. Their supplies were transported overland from St. Louis and distributed to their men in the wilderness. Their work was well and thoroughly done, and to James S. the result was the basis of a large fortune.

General Jackson, on his accession to the presidency in 1829, re-appointed him surveyor-general of the territory, and he held the office four years longer. He was never ambitious for but one office, and that was, to be the first governor of Arkansas after her admission into the sisterhood of States. Archibald Yell nursed the same ambition near his heart, but as we have stated in our biographical sketch of his life, the wings of his ambition were clipped by constitutional disqualification.

After the admission of Arkansas into the federation of States, Conway's ambition was gratified in the democratic nomination for governor. In that race he was opposed by a very able and ambitious whig in the person of Absalom Fowler, but Arkansas, under the leadership of many able and devoted adherents to the fortunes of General Jackson, was irretrievably democratic, and talents, however great in the person of a whig, were but a nominal factor in the race. Governor Conway was elected in a total vote of seven thousand seven hundred and sixteen, by a majority of one thousand one hundred and two, for the constitutional period of four years. He was a man of fair ability and irreproachable integrity, but was not the man for the times; his administration was the most unfortunate one the State has ever had, always excepting radical administration during the war and re-construction periods.

He was inaugurated governor at a critical time, when Arkansas needed a man of broad statesman-like comprehension to see,

and an iron nerve to crush legalized schemes of spoliation and plunder. None but such a man could have foreseen and crushed the iniquity in which the Real Estate and State Banks were conceived and administered during his administration. This piratical crew of fortune seekers took the helm from Governor Conway's hand at the start, and scuttled the financial fame of the State, and left her the legacy of a Pandora's box to trouble unborn generations and cloud her fame to this day.

Governor Conway did not design, did not foresee these things, but it is none the less the State's misfortune that he did not; he commanded the ship when she was captured. The author's complaint is chiefly confined to the absence of executive foresight and resistance to the various encroachments of financial adventurers. Defense of the executive during this era lies in the purity of innocent intentions — in the presumptive sin of omission for want of comprehensive forecast — rather than the sin of commission. This has always been accorded, never denied.

But the line of succession finally reached his younger brother, Governor Elias Nelson Conway, who, with comprehensive forecast and the iron nerve of Jackson, grappled with and throttled the monster iniquities of the bank so far as to cut short continued repetition of its iniquity. For this, if nothing more, the State ought to build a monument to his memory forever commemorating his services.

Governor Conway retired from public life at the expiration of his term in 1840, and settled down on his princely possessions on Red river, in the southern part of the State. He owned more than an hundred slaves, was a large cotton planter, and in his social and domestic relations was idolized by family and friends, and was, all in all, a splendid representative of the high-bred southern planter. He married a Miss Bradley, of Nashville, Tennessee; one son survives, Frederick Elias Conway, who married a grand-daughter of Governor Fulton; he resides on the inherited estates in Lafayette county. Governor Conway died on the 3d of March, 1855, at Walnut Hill, his country seat in Lafayette county.

Frederick Rector Conway, the third son, is a historic landmark in Missouri and Illinois. He was long recorder of French

and Spanish claims at St. Louis, and was also commissioner to examine and report to congress on the nature, and validity of these claims, and was afterward long surveyor-general of Missouri and Illinois.

John Rector Conway, the fourth son, was a very eminent physician. Under President Tyler he was commissioner, and as such run and established the boundary line between Texas and the United States. He died in San Francisco in 1868. Thomas Conway, his son, was a member of Walker's fillibuster expedition to Central America. He killed his rival in a duel before leaving the tropics.

William Conway, B., the fifth son, was born, as near as the author can approximate in 1806, in the old homestead on Chucky river, East Tennessee. He was thoroughly educated at Bardstown, Ky., that celebrated institution of learning where so many distinguished men in the south and west were educated. He read law with the celebrated John J. Crittenden, and commenced the practice at Elizabethtown, Ky. He had a cousin of the same name living in the same town, which occasioned some inconvenience in receipt of their mail, and to obviate this he added the B. to his name. He moved to Arkansas about 1840, and in 1844 was elected judge of the third circuit. In December, 1846, he was elected associate justice of the supreme court. He died December 29, 1852, and is buried by the side of his noble mother in Mt. Holly cemetery, Little Rock. He was a man of moderate abilities, but possessed of sterling and uncompromising integrity, which after all, is the strongest pillar of state.

The sixth son, Thomas A., died in his twenty-second year, in Missouri.

Governor Elias Nelson Conway, the youngest son, was born May 17, 1812, at the family mansion in Tennessee. His middle name is for a near relation on the mother's side — Judge Nelson of Maryland, an eminent jurist.

We have stated he was well educated, particularly in the mathematical branches. No man fills a greater chapter in the history of Arkansas than he does, and none are deserving of more honorable mention in a field where so many stars shine.

On the 20th of October, 1833, there were sad, thoughtful and

prayerful hearts at the old homestead in Boone county, Mo. Ann Conway, the mother, carefully arranged and stored away in a pair of leather saddle-bags her boy's wardrobe, as she was making her last preparation for the advent of her youngest son in the great and uncertain battle and vicissitudes of life. Her thoughts ascended to heaven on the wings of a mother's prayer for God's guidance and providence over the fortunes of her last-born. A tear crept out from the windows of the soul to gem that troubled, yet radiant face. If there is a place for sainted purity on this earth, where sin dare not enter, it is in the sacred shrine of a mother's heart.

Whilst these preparations were going on within, without the old servant hostler was rigging the best horse on the farm for his young master under the careful supervision of the lord of the manor, and all the servants on the farm gathered in the mansion and beneath the grove surrounding it, to bid farewell to the boy who had been raised with them. He held a loving, tender place in their heart too, and they came with the rich and sacred tribute of a tear to the family shrine, as its altars were being broken up forever in submission to the vicissitudes of a troubled life.

The Roman heart of the father struggled against the tide of the affections, but he broke down under their onward rush through the soul.

When the young sojourner in the wilderness mounted, the old servant started off to open the woodlawn gate in the distance, but the aged sire waved him back and performed this last office himself. That was the last time father and son ever met.

Since then "the years have come, and the years have gone," and more than fifty have been gathered in the cycle of time, yet there is no picture in the gallery of creation so vivid as this in the mind of the grand old man who was then a boy.

When he gave this picture to the author, his heart seemed to wrestle with time to reconquer and regain all its impressive elasticity and vigorous felicity of youth. His countenance put on a soft, subdued, melancholy expression, as though the brightest gem in the garner of a long and useful life was hid away back in the years forever gone.

When I listened to his sweet and simple, yet sublime pathos, in this rendition of the world's history in miniature, and gazed in that tear-glistening eye and on that lofty forehead, once the throne of unclouded reason, I felt that God was there in the execution of unfathomable design and exalted majesty and pity for His children.

“The years live, and the years die,
And all they touch they sadden.”

Governor Conway arrived at Little Rock in November, 1833, and immediately entered into a large contract to survey public lands in the north-west part of the territory, embracing Boone and Washington counties. This kept him constantly in the field eighteen months.

His close application and fine business qualifications soon became manifest, and in July, 1835, he was appointed auditor, and held the position fourteen years.

The donation land laws of the State and the homestead laws of the United States originated with him during his enlightened administration of the auditor's office; but Andrew Johnson, that greatest of national humbugs, introduced the homestead bill in congress, and has claimed and has been accorded the entire credit of originating the national homestead law. The historic facts and circumstances ultimating in these laws are briefly as follows:

The Federal government at a very early period adopted the policy of issuing military bounty land warrants to soldiers. Arkansas in process of time became a bounty land district, and a great number of these land warrants were located on the public lands in the State.

At one time the practice of locating these warrants by lottery prevailed. But few of the beneficiaries ever located or lived on the lands; their patents were, in a great number of instances, sold like a piece of cloth, by delivery without any written indorsement or transfer. The lands were assessed for taxes, but the soldier who had sold paid no further attention to it, and the holders of the patent parchment in process of time found they had nothing but an equity, which would cost as much to perfect as the lands were worth, and they quit looking after

them or paying taxes on them. In this way a vast body of lands were forfeited to the State for non-payment of taxes, and the State could not dispose of them for the back taxes, because the arrearage often amounted to more than the lands were worth.

To prevent this waste of revenue and to encourage actual settlers, Governor Conway, in 1840, addressed the legislature in an ably-prepared communication, advising the donation of these lands to actual settlers. This letter was copied by the press in every State in the Union, and the wisdom of the financial policy foreshadowed was commended in high places. The State adopted the idea in December, 1840, as its permanent policy.

Andrew Johnson appropriated the idea, and in 1842, if I am not mistaken, it became a part of our national polity. The democratic convention in 1844, with but three dissenting votes, nominated Governor Conway for governor, and these three asked leave to change their votes to the affirmative. He did not seek, did not want and declined the nomination so flatteringly tendered him, because of obligations he could not then neglect. The leaders then came to him and asked him to indicate his choice, or at least a suitable person for the office, and he advised the nomination of Thomas S. Drew, a farmer hitherto unknown in the politics of the State, and he was accordingly nominated and elected.

In 1852, and again in 1856, he was nominated by the democratic party and elected governor and served the people faithfully in that capacity eight years, a longer period than any other governor has ever served. Under the constitution of 1836 four years was the term of office.

One of the leading features of his first administration was his successful contest with the powerful political organization which had grown up under the more than questionable influences growing out of the corrupt management of the old Real Estate Bank. The directors of this institution had loaned about \$3,000,000 to creditors throughout the State, secured by mortgage on their landed property. These creditors were afraid to oppose the bank party for fear of encountering the destructive engine of foreclosure.

Governor Conway says the *Gazette* was bought by, and edited in the interest of the bank party. The anti-bank party, two years before his accession to office, established the *True Democrat*, and put that sterling and fearless old champion, Richard H. Johnson, at the editorial helm. Mr. Johnson was an able and powerful writer, and his editorials fell on the opposition like thunderbolts. The baneful influences of the bank made it an enemy to the best interests of the people.

The Conway party waged a relentless war of extinction against the bank and the evils growing out of it.

The Pulaski chancery court originated in this fierce political war.

W. H. Field was then judge of the capital circuit, and before him was then (1854) pending a suit against the bank, which, if successfully prosecuted, would result in extinguishing it. Field was an upright judge but was averse to the bitter strife involved in the contest, and resigned to escape criticism.

John J. Clendenin was elected by the people as the successor of Judge Field, but was a stockholder in the bank and disqualified to sit in the case. Governor Conway says these things were not mere coincidences, but were brought about by direct design of the bank party to foil and checkmate him in his efforts to crush the bank.

These impediments to the progress of the suit suggested the idea of an independent jurisdiction, and resulted in the creation of the chancery court, and the transfer of the suit against the bank to that court. Governor Conway says he drew the act creating the court, and to prevent vexation and delay in the selection of a judge, the act conferred the power of appointment on the governor.

Governor Conway was generally regarded as a strong partisan, but in this instance he appointed a whig of conservative tendencies to the office of chancellor because he wanted a man of ability, removed as far as possible from party ties and affiliations either with or against the partisans of the bank, and he appointed the distinguished Hulbert F. Fairchild of Batesville, and finally took the bull by the horns and throttled the bank, and crushed its monster abuses.

Judge Fairchild appointed his whig friend Charles Fenton Mercer Noland receiver for the bank, but soon removed him for causes stated, as the author understood them, in the life of Noland ; but the governor denies most earnestly the statement, that he demanded or influenced the removal of Noland. And he is entitled to the benefit of his candid disavowal, because he is a man of great integrity and purity of character.

In a recent interview with the author on this subject he said : " Soon after Noland's appointment to the high non-partisan trust of receiver for the bank he was seduced into a very hostile attitude to my administration by being placed at the head of the editorial staff on the *Gazette*, the partisan organ of the friends of the bank, and that this action of filiation meant as its price and reward obstacles to the progress of the suit against the bank, formidable in their character as long as he was receiver.

" That, as receiver, Noland had charge of all the assets and the records of the bank, and that it was impossible to successfully advance with the suit when its enemies had charge of all the magazines of war — that the records of the bank contained a vast volume of evidence against it which could not easily be reached whilst in the hands of a pronounced friend to the bank interest."

Governor Conway further said : " Noland's hostility to the suit was not even artfully concealed, either in his editorials or reports to the chancellor and governor ; and that Chancellor Fairchild removed him on his own motion."

It is said Judge Hubbard, a whig, and the step-father of Governor Garland, said Judge Fairchild did right in removing Noland, who was appointed receiver to execute, and not to defeat, the law.

Under his administration the railroad system of the State had its origin and was favored and promoted by him. The Cairo and Fulton Railroad Company was organized in 1853, and in 1854-5 obtained a large congressional land grant in aid of the enterprise.

His long connection with the State government familiarized him with its interests in every detail. He practiced and enjoined rigid economy in the administration of the government,

and when his official career closed the treasury had \$420,000 in its vaults. He was "the bull-dog of the exchequer."

Governor Conway belongs to the ancient guild of honorable bachelors; he said to the author, "there will be no widow to mourn for Conway when I pass out of the world; I do not want my demise to distress the friends I leave behind."

He never made any pretensions to public speaking, never canvassed the State, and never asked an elector to support him; he said, "my life is not a sealed book; it is open and known to the people, and if they want me to serve them they will make it known without importunity or solicitation." His life has been characterized by unquestioned integrity, great good, practical sense, and great tenacity of purpose.

He now lives in great seclusion, and has occupied the same cottage more than forty-five years. The reception-room in this ancient cottage is a historic gallery of family paintings, of great interest to lovers of history. There we see the beneficent and beautiful face of Ann Conway, the noble mother of so many distinguished sons. To her right hangs a splendid painting of Governor James S. Conway, to her left, another painting by one of the masters preserving the noble features of Governor Elias N. Conway, and farther to the left and front, there smiles on the great mother the noble features of another distinguished son, Henry W. Conway, and directly in front, on the opposite wall, another great face beams and smiles as in life, on his mother, Dr. John Rector Conway.

The husband and father and two more distinguished sons are not represented in this gallery, but their names are linked in a spotless fame, and to-day constitute one of the brightest historic gems in the heritage of the State.

ANDREW SCOTT — SCOTIA, POPE COUNTY.

About 1760, tradition says: An emigrant ship weighed anchor and hoisted sail at Solway, Scotland, bound for the English colonies in North America. On the deck of that ship as she responded to the gale that filled her sails and rode the deep "like a thing of life," stood William Scott and wife with tear-filled eyes and choking hearts as they cast one long last lingering glance at the loved mountains of Scotland, that

seemed to be sinking into the sea and fading forever from the familiar sight of the emigrants. They had several children with them and were candidates for favor and fortune in the new world where toil is better rewarded than in either the high or low lands of Scotland.

No true Scot ever bade farewell to Scotland without the generous tribute of a tear.

“What woes wring my heart while intensely surveying
The storm’s glowing path on the breast of the waves;
Ye foam crested billows allow me to wail,
Ere ye toss me afar from my loved native shore.”

A sense of loneliness and oppression filled their minds, and burdened their hearts with forebodings they could not shake off, which were, alas! too real and true.

They died in mid-ocean, their bodies were wrapped in a winding sheet and committed to the Atlantic in the presence of their weeping children, who were left penniless orphans on the wave. The children were brought to New York and put on shore, without a known friend on this side of the Atlantic. The public authorities took charge of and apprenticed them to masters.

At the expiration of his apprenticeship Andrew settled in Virginia, married Miss Elizabeth Ferguson of Maryland, and on the 6th of August, 1788, was born unto them at his homestead in Virginia a son whom he named Andrew, after himself.

In 1808 the elder Scott with wife and children settled at St. Genevieve on the Mississippi river in the then territory of Louisiana, afterward (1812) territory of Missouri.

The two brothers, John and Andrew Scott, inherited good intellects from their parents, attended the common schools of that old French village and there laid the foundations of their future career and usefulness.

Each of these brothers married daughters of the celebrated John Rice Jones, one of the judges of the superior court of Missouri, an extensive speculator in Spanish grants; he moved to Texas, participated in her revolution and was the first postmaster-general of the Republic of Texas. Judge Jones was the father of the celebrated George W. Jones, delegate in

congress from the territory of Michigan in 1835, elected one of the first United States senators from Iowa in 1849, and re-elected in 1853, serving until 1859, when he was sent as minister to Bogota, by President Buchanan; he also held many other Federal offices.

The author was acquainted with George W. Jones, and has frequently heard him relate the exciting canvass attending his first election to the senate. For some time the issue was grave and doubtful, and after many fruitless ballots by the legislature, he determined to subordinate, if possible, another factor; he was a very fine performer on the violin. He provided a supply of the best vintage, borrowed the best violin to be had, and invited all the members of the legislature to a musical *soiree*. All were astonished at the versatility of his talent, and the munificence of his generosity. The wine flowed and the festival advanced, and he was encored many times and sustained the draft on his musical genius heroically until three in the morning. When the ballot was taken at noon he was elected to the United States senate by a handsome majority.

John Scott, the brother of Andrew, was a fearless and brilliant man. My knowledge of him is derived from the late John F. Darby, who settled in Missouri in territorial times, and from the Hon. George W. Jones. He was a delegate to congress from the territory of Missouri, and after her admission in 1821 was thrice elected to congress.

In March, 1819, the territory of Arkansas was created by act of congress, and the president by provision in the organic act was authorized to appoint three judges of the superior court, who, together with the governor, were vested with legislative functions and authorized to enact laws until the legislative machinery of the new territory could be organized and put in motion. President Monroe appointed as judges of the superior court, Andrew Scott, Charles Jouett and Robert P. Letcher. These judges and Robert Crittenden, acting governor, as a legislative body convened at the capital (Arkansas Post), on the 3d of August, 1819, and promulgated six statutes mentioned in the historical sketch in the first part of this volume, and adjourned the same day.

Judge Scott was a man of marked and very decided indi-

viduality ; seen once, he never faded from the observer's memory. He was small in stature, of blonde complexion, with cold, gray, piercing eye, and long hair resting on his shoulders, sharp features and aquiline nose. His temperament was nervous and volcanic, tinged with vanity and hauteur which clouded his life and history. His abilities were acknowledged by all. The impetuosity of his nature was to some extent the result of rough frontier influences which had attended him the greater portion of his life, without that restraining influence necessary to soften and modify such a character.

In 1821, Joseph Selden succeeded the brilliant Robert P. Letcher of Kentucky as one of the associate judges of the superior court of the territory. Early in May, 1824, he joined Judge Scott in a social game of cards with two ladies in Little Rock ; during the progress of the game Judge Selden made some remark to one of the ladies, to which Judge Scott took umbrage and demanded an apology in imperious terms, which was refused.

A challenge to mortal combat was accepted by Judge Selden, who designated an island in the Mississippi river near Helena as the place and pistols as the weapons, at ten paces. That polished scholar, writer and jurist, James Woodson Bates, brother to Attorney-General Bates of President Lincoln's cabinet, acted as the friend and second of Judge Selden, and Hon. Nimrod Meniffee acted as the friend, second and surgeon for Judge Scott. At the first fire Judge Selden fell mortally wounded — a strange, unhappy and unfortunate occurrence ; unhappy for the principal actors, and still more unfortunate for the fame of Arkansas. Two judges of the highest tribunal in the jurisdiction, sworn conservators of the peace, setting law at defiance. Dr. Meniffee was subsequently killed in a desperate encounter in Conway county, by — Phillips, and Phillips afterward died from the effects of a wound received in the same combat.

In 1829 General Edward Hogan, then an ex-officer of the United States army, and Judge Scott were rival candidates for a seat in the territorial legislature from Pulaski county, General Hogan having been elected in 1827. For some reason, of political origin, bad feelings existed between the two hot-

headed, imperious rivals, and when they met General Hogan a man of powerful physique, knocked Judge Scott down. The latter rose with sword drawn from his cane and thrust it several times through the body of his rival, and he expired in a few moments. Before life ebbed away he snatched the sword from Judge Scott and made one tremendous thrust at him, the sword passing through Judge Scott's cravat. Soon after this Judge Scott moved to Pope county and settled on the Arkansas river at a place to which he gave the name of Scotia, and there lived retired from public life until his death in March, 1859.

The Hon. John R. Homer Scott, of Russelville, his honored son, has erected a handsome marble shaft at Russelville, which commemorates the memory of both mother and father. The author regrets his inability to produce and perpetuate the portrait of this historic character; more so because he has learned, from extrinsic sources, that a painting of Judge Scott by one of the masters is in existence.

NOTE.

[The following sketches of Robert Crittenden, Samuel Hall, John Taylor, the superior court, including judges Benjamin Johnson and Thomas J. Lacy, Edward Cross, David Walker, William Cummins, James W. Bates, Archibald Yell, Terrence Farrelly and Francis Hubbard, in the order named, were written by General Albert Pike, at the request of the author, for this work. Such an accomplished author needs no introduction to the American reader.]

PREFATORY.

What one may now be able to say with knowledge of the men who lived fifty years ago in Arkansas cannot be expected to be of interest to most of those who live in Arkansas to-day. The new Arkansas is not the same Arkansas as the old one, but another. There has been a conquest of the State, peaceful, indeed, by detachments of a great invading army of men from other States and lands — peaceful, but none the less as much a conquest as those of England by the Saxons and the Danes were, which almost obliterated from the memories of the Britons the names of their old heroes.

It is for this that I have been reluctant to write down what I remember of those men whom I knew fifty-five years ago, or

soon after, and whom I then esteemed worthy, or came to esteem so afterward, when the animosities and dislikes engendered by political differences had died out. There are so few now of the descendants of these men left, to whom such reminiscences can be grateful! There are so few now to whom it is of any importance or interest that the men of that remote day lived at all!

One with difficulty brings himself to write of any thing, knowing that what he writes will be read with indifference or impatience, and, to the larger part of those now living in Arkansas, the names that I should have to mention will be as strange and unregarded as those upon the monuments of Assyria and Chaldæa. "The life of the dead," said Cicero, "is in the memory of the living;" and, if this be true, it is not in my power to bring to that life again those whom I knew in the early days.

Neither is there in this any thing to be with reason complained of. For, also, to those of us who went to Arkansas no earlier than 1832 or 1836, the men who had lived and died there before us were but the mere shadows of names, in the history of whose lives we felt no interest. We put ourselves to no trouble to have the names kept in remembrance, but unconcernedly permitted them to glide away from us into oblivion, no record of their words or deeds remaining; and with what right can we complain, if we, too, the dead and living alike, are to the men of to-day only as those are who lived and died in other lands, when the world was not by a thousand years so old as it is now.

Moreover, there is not much of adventure or action to be told of these men, that can make what may be written of them otherwise than wearisome to read. The things that chiefly interest us in our daily lives are of no interest afterward to any one, and if recited they seem tame and trivial. When one has but little to tell and that little is in regard to those for whom most of the living care nothing, it would be wiser to be silent; yet if what he may write will give pleasure to one or two, here or there, to whom the holy Dead are of consequence, he ought not to let the general indifference prevent his writing.

WASHINGTON, *May 25*, 1887.

ALBERT PIKE.

ROBERT CRITTENDEN.

BY GENERAL ALBERT PIKE.

The information that I am able to give in regard to this eminent man cannot be of any considerable interest or value.

I first saw him in 1833, on Little Piney, then in Pope county, where I was teaching a small school. Abram G. Smith with whom I was boarding, went one day in the fall to Spadra, where the candidates for office were to speak, and on his return in the evening he brought Robert Crittenden with him to stay over night, and out under the trees near the house I talked with him until late bed-time. What I could tell him of the plains and buffalo, of New Mexico and its Indians and the Spaniards, interested him, and he was kind, indulgent and gracious; and as he was one, to know whom was an honor and to hear whom a pleasure, to meet him so was quite an event in my life.

He thought well enough of me to advise Mr. Charles P. Bertrand of Little Rock to employ me as assistant editor of the *Arkansas Advocate*, and it thus came about that I went to Little Rock in October of that year, where I went into the *Advocate* office, and occasionally met Mr. Crittenden at his house, and elsewhere.

He was a man of fine presence and handsome face, with clear bright eyes, and unmistakable intellect and genius, frank, genial, one to attach men warmly to himself, impulsive, generous, warm-hearted, an abler man, I think, than his brother John J. Crittenden.

The passions and animosities of the leaders of the two parties in the territory had before then led to encounters, collisions and duels; but they had become less violent and bitter after the elections of 1833, and no collisions or duels of prominent men occurred afterward.

Mr. Crittenden had, some time before, fought a duel with Mr. Conway, delegate to congress. I was told by one who knew, that Crittenden had no skill with the pistol, while Conway was a fine shot. Crittenden's friends insisted on his practicing, and he reluctantly consented; but, after firing three shots and each time missing a big tree, he threw the pistol on the ground, said he would not practice for the purpose of enabling

himself to kill a man, and never shot again until the signal was given on the ground, when his first shot killed Conway, he himself being untouched.

I never heard him make a political speech, or any speech except one to a jury, in defense of Stewart, a tall gambler, for assault with intent to kill. I was on the jury, for the first and only time in my life. He was a graceful, persuasive, impressive and eloquent speaker, one to take an assembly of men off their feet. But the case was too plain a one, and we fined Mr. Stewart \$100.

Mr. Crittenden's death at Vicksburg, in the fall of 1834, deprived the anti-Jackson party in the State of its leader; for no one was able to take his place, while too many wanted it. I remember him chiefly as a man whom it was a great pleasure to know and converse with, as a very gracious and agreeable host, and in every way a thoroughly well-bred Kentucky gentleman, a sagacious and well-informed man, who would have done honor to Arkansas, if, as was talked of before our admission as a State, the first two senators had, by common consent, been Sevier and Crittenden.

But this could hardly have been brought about; and it may be that by an early death he escaped from the disappointments, mortification and embitterment which would have made miserable the life of an ambitious man, conscious of his own greatness, and condemned to struggle in a hopeless minority all his life against an invincible majority.

NOTE.

The following letter is from the widow of Robert Crittenden, and as it illustrates the difficulties under which the author has labored in a great number of cases, it is given with the writer's consent:

FRANKFORT, KY., Nov. 16, 1886.

JOHN HALLUM, *Fort Smith, Ark.:*

DEAR SIR — I have deferred answering your letter of the 6th of Oct. in order to get a copy of the portrait of my husband, but the photographer here was unable to reproduce it, which I regret very much.

Robert Crittenden, youngest son of John Crittenden, a major in the revolutionary war, was born near Versailles, Woodford county, Ky., January 1, 1797, and died in Vicksburg, Miss. (whither he had gone on business), December 18, 1834.

He was married to Ann Innes Morris October 1, 1822, near Frankfort, Ky. He left four children, three daughters and one son, all born in Little Rock, Arkansas.

He was educated by and read law with his brother, John J. Crittenden, in Russellville, Ky. His father died when he was twelve years of age, leaving a large family of children.

I know that Mr. Crittenden as secretary, in the absence of Governor Miller, organized the territorial government of Arkansas.

I suppose the records will disclose all further information required.

Wishing you much success.

Yours, most respectfully,

ANN I. EDGAR.

This letter was by the author submitted to the Hon. Jesse Turner, who is now taking steps to have the portrait of Robert Crittenden copied for preservation in our capitol.

SAMUEL S. HALL.

BY GENERAL ALBERT PIKE.

Among the lawyers who were of the Little Rock bar while Arkansas was a territory, one of the most amusing was Samuel S. Hall, a rather small, dried-up, old man of some sixty years, queer and quaint, who came there from Satartia, in Mississippi, a lawyer pretty well read and not without ability, but whose peculiarities were often the cause of merriment.

He knew nothing about Latin, but was fond of picking up and using scraps of it. Once, I was told, in a case before Judge William Trimble, in which Parrott, who died before 1833, was opposed to him as counsel, Judge Hall, as we always called him, fired off at the jury all the scraps of Latin that he could remember; and when Parrott replied he uttered half a dozen long sentences in Choctaw. Hall appealed to Judge Trimble against this, insisting that Parrott should only use a language fit to be quoted from and which others understood. Parrott gravely replied that the language which he had used was Latin, and it was not his fault if Judge Hall did not understand it. Hall resented this and indignantly denied that the gibberish used by Parrott was Latin; and Parrott proposed to leave it to the court to decide, to which Judge Hall consented; and the judge decided that, to the best of his knowledge, Parrott's Latin was as good as Hall's.

The old gentleman told some of us once that he intended soon to retire from the bar, and to travel through the United States *incog*.

He exploded some of his Latin against me once, I think it was these lines from Horace, which, whether he used them on that particular occasion or not, he was fond of repeating *ore rotundo*:

"Si quem mobilium turba Quiritium,
Certat tergeminis tollere honoribus."

And in replying to him I repeated, knowing he would not understand it, the passage said in "Ten Thousand a Year," or "The Diary of a Physician," to be in Persius, but which is not to be found there:

"Eandem semper canens cantilenam,
Ad nauseam usque."

This staggered and confounded the old gentleman, and after court adjourned he had me to write it down for him, with a translation, and it afterward did him good service.

In the trial of a man in the circuit court of Pulaski county, Judge Hall, for the defense, in his speech to the jury, inveighed with some sharpness, at the expense of Absalom Fowler, who had been hired to prosecute, and who had, of course, done it savagely, against the taking of money by counsel to prosecute innocent men for their lives, and was evidently well satisfied with himself and the supposed effect of that part of his speech upon the jury. Fowler, a hard, harsh, dry man, listened apathetically, and following Hall, spoke so long before alluding to his denunciation of hired counsel, that the judge became radiant with the conviction that he would not venture to comment upon it, when, all at once, Fowler coldly and slowly said, "you have heard, gentlemen of the jury, what one of the counsel for the defense said in regard to the impropriety of counsel consenting to be employed to assist the officer of the State in the prosecution of persons guilty of crimes, the punishment of which is hanging. I remember that the same gentleman, a few years ago, was hired to prosecute, and did prosecute an innocent and poor countryman indicted for murder. He fulfilled his contract to the utmost of his ability, while I defended the prisoner, whom he did his best to hang, and who was acquitted. He earned his wages, gentlemen, and he received them, according to the contract of hiring, in the shape of a little, old, scrawny, roached-mane, bob-tailed, clay-bank pony, which with great pride he led from the court in Saline county to his home in Little Rock." Discouraged by what he could not deny, the judge collapsed.

He rode, when going upon the circuit, an old, white, lean mare, that could seldom do more than strike a slow trot for a few minutes at a time, then subsiding into her usual walk. Once I left Little Rock with him, to go to the court at Greenville, Clark county, where, I remember, landlord Sloan fed us on boiled fresh pork, corn bread without butter, and sweet potatoes for a week. The judge rode the old mare, and I my sorrel horse Davy, as well known on the roads to Washington and Van Buren as I myself was. During the first day I stayed with the judge as he plodded along, to the immense weariness of myself and the great disgust of my horse, it taking us all day to ride to Mrs. Lockhart's on the Saline. The next day after we had got out of the horrible bottom of the Saline, and were upon the gravel hills beyond, I said to the judge, "my horse is fretting, and I will ride ahead for a piece, and wait for you to come up;" and without waiting for an answer put Davy to his best pace and let him enjoy himself. At the end of a ride of five or six miles I stopped, and sitting down upon a log waited nearly an hour until the judge came up, and I jogged on with him a few miles further, and then left him again with a simple "good-bye." Again he overtook me, and we rode on for five or six miles until he saw that I was about to repeat the performance, when, wheeling his old mare across the road in front of me, he said, "see here! you are a young man, and I am an old one. Let me tell you something. I used, in my younger days, to push and hurry to get to court and be there before it opened, and I always found that I might just as well have taken my time on the road, for my business would not have suffered if I had not hurried. So I used to ride hard, as soon as court adjourned, to get home; and it never happened that Mrs. Hall did not say to me when I got home, 'why, judge, I did not look for you until to-morrow or next day.' Now you take my advice and remember that nobody ever makes any thing by hurrying through life. You'll always get to the end of your journey soon enough, and may-be be more welcome if you don't get there too soon."

I kept the old man company until we reached Greenville, and I remembered his advice always afterward; but I never rode in company with Judge Hall again.

I see the good, honest, honorable, fair old man now, as I often saw him arguing to court or jury. He would begin with his feet close together, and holding in one hand a piece of tobacco, from which, as he talked, he would pick off a small bit, put it into his mouth and forthwith spit it out, his feet gradually farther and farther apart from each other until he would have to bring them together again to keep himself from toppling over. Then he would pause, look with shrewdly twinkling eyes at judge or jury, and say, "how does my case stand now?"

JOHN TAYLOR.

BY GENERAL ALBERT PIKE.

This man was hardly entitled to be considered "of the bar" of Arkansas. He was a nomad, an Ishmaelite, who came to the State, in what year I do not remember, but after 1836, to tarry for a little while and then seek new pastures. He came from Alabama, where, it was said, he once ran against William R. King, for a seat in the senate of the United States. He was a tall, lank man with hair of a dirty red, and repulsive countenance, small and malignant eyes, an unsocial, repellent churl, with not a drop of the milk of human kindness in his whole body, a thoroughly read lawyer, especially in the old books, of which his library chiefly consisted. He had a command of words surpassing that possessed by any man whom I have ever known, and the greatest possible fluency of speech and skill in the construction of his sentences, his single fault in that respect being a fondness for long words derived from the Latin, sometimes, however, eschewing these and confining himself to the shorter Saxon, in terse, compact phrases and sentences. He was indeed a skillful master of the English language, and familiar with English literature and the Latin.

He brought with him and always used, and the supply lasted as long as he remained in Little Rock, a quantity of old, coarse, rough brownish foolscap paper, the sheets long and untrimmed, on which he wrote with great rapidity, in a running hand, the like of which I have never seen anywhere; but it was perfectly legible. All the forms of pleading, process and entries he knew by heart; and he had an accurate and retentive memory, which never failed him when referring to authorities.

When he first appeared in Little Rock, and took an office in Ashley's brick one-story row, on Markham street near Pitcher & Walters' corner, we all at different times called upon him and tendered him the usual courtesies of the bar, to which he was grimly unresponsive, shutting himself up in the shell of his cold exclusiveness. He rented a house on the edge of the town, beyond Judge Feilds', where he lived with his wife, having no child [fortunately, as Tristram Burgess said in the senate to John Randolph, monsters are incapable of propagating their species], in impenetrable seclusion. I never met any one who had seen his wife. He never, I am sure, crossed the threshold of any house in Little Rock except his own; and no visitor ever crossed his. We made but one advance each, toward friendly relations with him; and he never had any with any member of the bar. He would never ride in company with any other person, or converse with any one except on business; and licking his lips with his tongue as he spoke (reminding me always of a venomous snake), his eyes gleaming with malignity, as he hissed out poisoned sarcasm and vituperation, he seemed to delight in making enemies. No one who heard it, I think, ever forgot his terrific excoriation in Ozark, of Alfred W. Arrington, who had imprudently ventured with a wealth of barbaric ornamentation in words, to assail him in debate.

He was the most hateable man I ever knew. At one term of the court in Pope county, he procured himself to be employed by members of one family to bring suits against members of another, for slander; and at the next term he brought like suits for those defendants against those plaintiffs, all the suits standing for trial together, and the parties being chiefly women.

I should not devote so much space, or indeed any, to this nomad (who always carried into the court-rooms, in the pockets of his long coat, two large pistols, one of which I twice saw fall out upon the floor, and who at last fancied and proclaimed that the lawyers of Little Rock had poisoned his well, and thereupon left the State and went to Texas), but for the two romances published by Arrington, one of a trial in Conway county in which he represented him as figuring; and the

other of his volunteering to defend, at Clarksville in Texas, a young woman charged with murder, whom Sargeant S. Prentiss of Mississippi, Chester Ashley and myself had been employed to prosecute there. Both stories were pure fictions; I never prosecuted any woman charged with any offense, anywhere; I never saw Sargeant S. Prentiss in a court-house; he was never engaged with Chester Ashley anywhere, and was never, I think, nor was Ashley, in Clarksville in his life; I never was in Clarksville until the fall of 1861; and there was never any such case or trial anywhere.

THE SUPERIOR COURT.

BY GENERAL ALBERT PIKE.

The judges of the superior court of the territory of Arkansas in 1831 were Benjamin Johnson, of Kentucky, and Eskridge and Clayton, of Mississippi. I never saw either of the two last. In 1834, when I first saw the court in session in a room of the brick hotel on the bank of the river, which Charles L. Jeffries kept, the judges were Benjamin Johnson, Edward Cross, I think, and Thomas J. Lacy. When the State government commenced its action Judge Johnson was appointed by the president judge of the district court of Arkansas, and Judge Lacy was elected judge, with Daniel Ringo chief justice, and Townsend Dickinson, of Batesville, also judge of the supreme court of the State.

I knew Judge Benjamin Johnson long and well. He was a man of excellent ability and of much reading in the law, reading a new volume of reports with as great a zest as a devourer of fiction reads the latest novel. I think that I gained his regard by purchasing the late reports of several States and of the circuit courts of the United States, and placing them at his disposition in the small brick office before then occupied by Robert Crittenden, on the corner of the block on which his residence stood, which Judge Johnson purchased after his death. At any rate, I became greatly attached to him, always esteeming and honoring him until his death, and he was invariably kind and indulgent to me. It was my great good fortune, indeed, while a whig, and the warm friend of Robert Crittenden and Ben. Desha and William Cummins and

others of the whig leaders, to count also among my friends from the beginning, Judge Johnson, Ambrose H. Sevier, and Wharton and Elias Rector. There never lived a more honest, upright, honorable or generous man than Benjamin Johnson. He was petulant, sometimes, on the bench; and for personal reasons, on account of an attempt in 1832 or 1833 to impeach him, he was not kindly disposed toward William Cummins and Absalom Fowler, but I always found him impartial and earnestly desirous to decide in accordance with law and weigh impartially the facts. He was a single-minded man, of great simplicity of character, which made him sometimes seem eccentric; but he was not wanting in shrewd and sturdy common sense. Sometimes he would explode in sudden anger, as when, in 1835, in the last room to the westward of Ashley's brick row, where he was holding court, when Samuel Daviess Blackburn, summoned as a juror and asked if he had formed or expressed an opinion in the case, said in a pompous way, "I have formed and expressed a problematical opinion." "A what opinion?" sharply asked Judge Johnson. "A problematical opinion, may it please your honor." "A problematical opinion!" cried the judge. "Now, sir, do you get yourself problematically out of this court-house," and Daviess incontinently fled.

Sometimes, as I said, he was nervously petulant. Something had one day made him so in the same court-room, and looking round for something on which to expend his vexation, he saw Colonel Ashley splitting off with his pocket knife a sliver from a post of the railing which inclosed the bar. "Colonel Ashley," sharply cried the judge, "I wish you would quit cutting the court-room to pieces." Ashley looked calmly up and said: "I don't know, may it please your honor, who has a better right to cut this court-room to pieces than I have; it's mine."

When Judge Peter V. Daniel first came to Little Rock to sit in the circuit court Judge Johnson was evidently possessed and subdued by a profound reverence for him as a judge of the supreme court of the United States. But this in a day or two began to wear off, and on the third or fourth day when an argument was concluded, he began at once to say in his quick and off-hand fashion, what *his* opinion on the question was. But

Judge Daniel checked him, and with sententious dignity said: "Judge Johnson, the court will consult, and then the justice of the supreme court will deliver the opinion of the court." Thus reproved, Judge Johnson sank back in his seat with an air of pious resignation, gave a low whistle unconsciously, and patted the floor vigorously with one foot, which we could see below the short curtain that hung in front of the judges' seats.

A day or two afterward, another case was argued on demurrer, and when it was submitted, Judge Daniel commenced giving his opinion. But Judge Johnson, laying his hand on his arm, said loudly "the court will *consult*; — and, THEN, the justice of the supreme court can deliver the opinion of the court." And then his foot patted the floor, and his eyes twinkled with fun which the justice of the supreme court did not seem to share.

There came on then, on the next day, a case in which I had brought suit on a bill of exchange, made in Arkansas and indorsed there by the payee, and then indorsed in succession by an individual and a bank in Mississippi, and then by a house in New Orleans, where it was payable. The notary had given notice of protest to that house only, and it had in turn given notice to the bank, and it to the individual in Mississippi, and he to the indorser in Arkansas, and he to the maker there — each notice having been made out by the notary, and all of them sent to the house in New Orleans. Fowler moved for a nonsuit, and insisted that the law required the notary to send notice to each indorser and maker direct within the legal time. I said that he was entirely mistaken, that the notices were properly sent, and that each indorser had a day in which to send notice to the last preceding indorser, and the first indorser a day to send to it the maker.

Judge Daniel very positively said, "that is not the law, the law in Virginia is, and always has been, as the counsel for the defense claims." Judge Johnson patted with his foot and whistled to himself; and I said, "may it please your honor, I am quite sure that the law is as I have stated it." "No, it is not," said Judge Daniel, "there never was any such law, you are altogether mistaken." Then Judge Johnson leaned toward him and said, in a half whisper, loud enough for every body to hear, "you had better not be too positive, if he says the law is

so, it's mighty apt to be so." And I said, "since your honor is so very positive that I am mistaken, I say that I *know* the law to be as I have stated it; and if the court will wait until I can send to my office and get a book on bills of exchange, I will prove it." The court waited, and I did prove it, of course, and I took my verdict.

After the adjournment of the court for the day, I met Judge Johnson, who, putting his hand on my shoulder, said, "these judges of the supreme court of the United States think they know all the law, don't they? But if *we* don't *know* all the law, we know where to look for it, don't we?" And with a hearty laugh he went home to dinner, having sent Judge Daniel there in his carriage.

Ashley, an old time New York lawyer, who had not studied the books for many years, had for some years great influence with Judge Johnson, who had the highest opinion of his ability and knowledge, and his entire accuracy in references to the books. But at length, when I had been some years at the bar, the judge discovered that Ashley had misled him, and he never trusted him afterward. "Colonel Ashley," he said to him, one day, "I don't want to hear any more arguments, any ingenious man can make an argument, if you've got any *authorities* on the point, you had better bring them here, I would rather have one authority than fifty arguments."

One day my partner, David J. Baldwin, was arguing some question in a bankruptcy case before Judge Johnson, who, becoming impatient, asked him if he had any authority on the point. "Lots, sir," said Baldwin, "lots." "Bring them here to-morrow, then," said the judge, and in a great fume adjourned the hearing, and went home, where he met his son Robert, and exploded. "What do you think, Robert," he cried, "that man Baldwin said to me to-day, when I asked him if he had any authorities on a point? 'Lots, sir, lots!' 'Lots! To me, a judge of the district court of the United States, lots!'"

At another time, when he was holding court in the room over the old market-house, in the course of a discussion in some case, William C. Scott, who was district attorney, told Frederick W. Trapnall that he lied; upon which Fred. knocked him down. He had no sooner picked himself up, than Judge

Johnson fined him \$25, informing him that when one gentleman told another that he lied, he ought to expect to be knocked down.

In one case before him, on an indictment of an Indian for murder, the jury, there being really no evidence on which to convict, came into court after a brief deliberation, and being asked if they had found a verdict, the foreman answered, "we have," and handed it to the clerk who read it out: "We, the jury, find the prisoner guilty of murder, as charged in the indictment." "And I grant a new trial," said the judge. "Enter the verdict, Mr. Clerk, and that the jury is discharged, and the court grants a new trial on its own motion."

In another case in which I defended an Indian, on an indictment for murder, the case was given to the jury about noon, and I went away for an hour or so. When I returned, Scott, the district attorney, informed me that while I was gone the jury had sent word to the judge that they wished for some instruction, and had been brought into court in the absence of the prisoner who had been sent back to jail; and that the judge had then instructed the jury on some question of law, of no great importance. I said: "You had that done, did you? Well, you and the judge have played the devil then," and he went away in a huff. By and by the jury marched in, and the prisoner being brought from the jail, they rendered a verdict of guilty. The next day the judge was restless and uneasy, and Scott came to me and said: "The judge has found out that he did wrong in having the jury brought in and instructing them in your absence and that of the prisoner, and if you will move for a new trial he will grant it." I said: "I supposed that you and the judge would find that out, and now you can go on and hang the man. I shall not help you out of the scrape you have got into."

He came again and again, and said that the judge was very much troubled, and wished me to ask for a new trial, but I refused, and finally it was ordered without a motion.

In the winter of 1835-6 I went from Little Rock with Judge Johnson, Colonel Fowler and Judge Hall, to Crawford Old Court-House, on the Arkansas river, some twenty-five miles below Fort Smith, where Judge Johnson, then of the superior court of the territory, was to hold the circuit court.

It was a terribly cold journey, so cold that when we left Fletcher's, on Point Remove creek, where there was a bridge then, after staying there all night, we were compelled to forego traveling, after getting through the bottom, and to remain at the first house until the next day. We crossed the river at the court-house on foot upon the ice, leaving our horses, getting over safely, though with difficulty, the ice consisting of rough fragments packed and frozen together. Archibald Yell, who crossed the same day with other lawyers from Fayetteville, broke through, and but for a pole which he carried would have been drowned.

Nineteen of us, the judge being one, slept in one room over the improvised court-room, during the term. Here I saw Jesse Turner for the first time, who was then living and had an office there. While we were there the landlord, Hungerford (I think), became demented through jealousy, it was said, Judge Johnson, good, innocent man, being the object of his suspicions without knowing it.

On our way home we came, late in the evening of a very cold day, to Old Dwight in Pope county, and stopped there for the night. We gathered round the fire in the big fireplace, and were sitting there talking, when a citizen "mul-fathered" with whisky came in, got a chair, and sitting near the fire soon seemed to be dozing. But after a little, some one speaking to Judge Hall, who sat near the fellow, called him "judge," and the man opened his eyes and said to the judge: "You're the judge, are you. Then it's you that Hangerford went crazy about, 'cause you was too fond of his wife." "Sir," said Judge Hall, "I don't know what you mean. My name is Samuel S. Hall, sir." "Oh," said the man, "'taint you then. When I hearn it canvassed about they said 'twas Judge Johnson." "Get out of here!" roared Judge Johnson, "get out of here! I'll bet that story has got to Little Rock, and Matilda has heard it before now. Get out of here quick if you don't want to get killed!" The chap "lit out" in a hurry; but the judge was evidently disturbed all the way home, fearing that the report had preceded him.

Judge Johnson was a good and safe judge, few of whose decisions, I think, have been overruled. He died after a long

life of usefulness, without an enemy in the world, and his name ought never to be forgotten in Arkansas.

THOMAS J. LACY.

BY GENERAL ALBERT PIKE.

The other territorial courts that I attended were held by Judge Thomas J. Lacy of the superior court, at Columbia, in Chicot county, and Helena, in Phillips county. The judge was a Kentuckian, a man of liberal education, not a remarkably well-read lawyer, but well imbued with the principles of equity, a good writer, gifted with a vivid imagination, eloquent, a courteous gentleman, and conversed well on many subjects. He was rather tall, of spare habit and delicate constitution, often afflicted with a painful ailment, apparently consumption, yet always cheerful and even gay, a very charming and lovable man, and a very honorable and just one, devoid of the sense of fear.

Townsend Dickinson was a fairly good lawyer, a native of New York, a shrewd, sharp man, no great scholar, but quick and apt to comprehend a case, to understand an argument, and to reach conclusions, which he expressed in opinions invariably concise. The chief justice, Ringo, had had his legal training as clerk of the circuit court in Clark county, had studied Chitty and traveled with it in his saddle-bags, it being currently known as the "bacon-ham Chitty," because of the stains contracted by its leathern covers by consociation with the slices of ham which its owner carried with him to solace his appetite withal on the road. He was a careful, narrow-minded, pains-taking judge, to whom special pleading was the most excellent part of the law, and he knew almost nothing of the law of the court of equity. Technicality was for him the life of the law, and he filled the reports with decisions which had no other merit than technicality.

Yet, on the whole, the members of the court worked pretty well together, the plodding habit and narrow legal vision of Ringo tempering and restraining the effervescence and élan of Lacy; and the knowledge of the principles of law and equity of Lacy, and his broad and enlightened views neutralizing the literalism and stunted verbal interpretations of Ringo, and giving breadth and fullness to the conclusions of Dickinson.

When, in 1842, the directors of the Real Estate Bank made a deed of assignment to trustees, which I drafted, upon instructions formulated by Carey A. Harris, the cashier, it created a great commotion; and William Cummins, my former partner, who was a stockholder and debtor, with General Thomas T. Williamson and others in like condition, associating with themselves Chester Ashley, engaged in a bitter warfare against the deed, bringing a suit in chancery to have it annulled. I was the attorney of the trustees; and we first argued the case before the chancellor, John Joseph Clendenin, who (it is my recollection) held the deed valid. It then went into the supreme court, where it was argued at great length, upon all the authorities. The majority of the court, Judges Lacy and Dickinson, gave its opinion that the deed was valid. The chief justice dissented.

The decision caused great excitement and discussion, and created personal enmities. Judge Lacy was savagely denounced as corrupt. The opinion of the majority was hooted at by such lawyers as Williamson S. Oldham and Thomas B. Hanly, who had been elected members of the coming legislature. I was denounced without stint; and every thing that could be done was done to prejudice the people of the State against the deed and against the majority of the court.

Preparations were made to impeach Judge Lacy, who looked calmly and impassively upon the storm that had been raised. When the legislature met, the matter of impeaching him was largely talked of, and the agitators thought that they were to have, and it seemed to every one that they would have, their own way.

But the next morning the scheme for impeachment collapsed, and the lawyers who had staked their professional reputations upon the issue, loudly pronouncing the deed null and void, met with signal and complete discomfiture. Without consulting any one, or even informing any one of my intention, I had in due time sent printed copies of the deed, and of the opinions of the majority and minority of the court, to the great Chancellor, JAMES KENT, of New York, and Judge STORY of the supreme court of the United States, author of the most approved and authoritative commentaries upon equity

jurisprudence, requesting each of them to give his opinion in regard to the validity or invalidity of the deed of trust.

Their opinions were received in time, Chancellor Kent charging \$50 for his, and Judge Story nothing. I had these opinions printed, and copies of them were laid, that morning, on the desk of each member of the general assembly. They sustained the deed at all points.

No rout of a force flushed with anticipation of victory was ever more complete. The majority of the court was vindicated, the opinion of the minority consigned to merited contempt, and the trusts of the deed were carried out.

After he ceased to be a member of the supreme court, Judge Lacy removed to New Orleans, and engaged there in the practice of the law, where, after a little while, he died.

He made his mark upon the jurisprudence of Arkansas, and few, if any, of his decisions have ever been overruled. They were generally founded upon the immutable principles that do not change with the changing times and seasons, and have, therefore, stood well the test of time.

He was a man to be loved with all one's heart, and worthy to be remembered by the people of the State. I retained his warm friendship until the end of his life. He licensed me to practice law in 1835, when I had read but a part of Blackstone, saying that I could not, as an ignorant doctor might, become the cause of the death of any one. He encouraged me in my struggles to rise at the bar, aided me in my studies and was glad when I achieved success, and I have always honored and revered his memory.

Honesté factis, veritas sufficit

EDWARD CROSS.

BY GENERAL ALBERT PIKE.

Of Edward Cross, as lawyer and judge, I cannot speak. I never met him at the bar, and only once saw him on the bench. I never heard him make a speech. I was not very well acquainted with him, and never had the means of judging of the extent of his acquirements or the resources of his intellect. But he was a very worthy and most upright man; a very

noble and most honorable gentleman, somewhat stiff and formal, but neither haughty nor vain.

He was a judge of the territorial superior court, member of the lower house of congress, and surveyor-general, and in all these places acquitted himself well, and in all the relations of life was above reproach. He has lately died at a ripe old age and he is entitled to a high place among the worthies of Arkansas.

DAVID WALKER.

BY GENERAL ALBERT PIKE.

David Walker, of Washington county, was a practicing lawyer, the foremost in all the north-western part of the territory when I came to the bar, and for some years before. I knew him long and well, for I saw him often in the western courts. He was an excellently equipped lawyer, well grounded in the principles of legal science, a man of logical intellect, of keen perceptions, of mental energy and force, an impressive and forcible speaker, and an antagonist to cope with when at the bar was no easy matter for any one. I have seen greater men and better lawyers, but no one who could more efficiently use all his resources of intellect and knowledge.

He was eminently faithful to his clients, and gave to every case all his energies. No client of his ever suffered loss or injury from his want of diligence or preparation, where there was time for preparation. He never procrastinated or was dilatory or neglectful, or a consulter of his own ease and comfort. And he always thought, also, with Lord Bacon, that "every man is a debtor to his profession," and he sought always to magnify the profession and to help gain for it the respect of the people.

In politics Judge Walker was a whig, who had convictions, as he had in the law, and was always true to them. He was not eloquent, otherwise than with the eloquence of earnestness, sincerity and force of argument; and these made him a fluent and impressive speaker. He was the candidate of our old whig party, at different times, for the offices of governor, representative in congress and presidential elector, always the candidate of a minority (for the State, like the territory, was always irretrievably democratic), and of course always defeated; but

he never took the certainty of defeat into consideration, to permit it to lessen his zeal or energy in the exposition and advocacy of his political principles.

I must leave it to others to speak of him as a judge of the supreme court, for I am not familiar with his decisions, either as military judge, or as a judge of the supreme court of the State. After the war ended, I never saw him, not feeling equal, when I was for the first time long after 1865, in the State, to the fatigue of the journey from Van Buren to Fayetteville, to visit him. Our intercourse after the war was only by letter. In one of his letters he told me that he had been for some time occupied in committing to writing, for publication after his death, his reminiscences of men and things in the early days of Arkansas, the manuscript having already assumed quite large proportions; and he repeated some things of which he had spoken. But I think that the manuscript has not been found, although it is hardly to be believed that he destroyed it.

WILLIAM CUMMINS.

BY GENERAL ALBERT PIKE.

Robert Crittenden, Chester Ashley, William Cummins, Absalom Fowler and Daniel Ringo were the foremost members of the bar at Little Rock in 1833. William Cummins, a man of middle stature, neither thin nor corpulent, quick, wiry, energetic, was a Kentuckian, a man of good presence and good manners, with a face expressive of intellect, firmness and decision. He was a good lawyer and forcible speaker, a zealous whig politician, and a brave, honorable, trustworthy man, then some forty-five years of age. He married Francine (only daughter of the princely old Frenchman Frederick Notrebe), who bore him but one child, a daughter.

Mr. Notrebe himself was a man who ought not to be forgotten, for he was a very noble and generous man. I often dined at his houses at the Post of Arkansas, and on his plantation below that place, on the river, where I met his wife's father and mother, Mr. and Madame Encimè. His granddaughter, Mary Cummins, married Edward Morton, a Massachusetts man, and is well remembered at Little Rock, in con-

nection with the harsh and unmanly treatment which she and her little children suffered at the hands of General Reynolds during the Federal occupancy of the city. They were my nearest neighbors, and I knew her and her children well, and a few years ago saw her and her daughter and grand-children at St. Louis. Thus I have known six generations of the family. Among the pleasantest days of my life were those passed by me at the old post, with Mr. Notrebe, dear old Terrence Farrelly, Ben Desha, James H. Lucas, Doctor Bushrod W. Lee and Doctor McKay. What men there were in Arkansas in those days!

William Cummins offered me a partnership in the law in 1835, when I was a lawyer only in name, because I owned and was editing the *Arkansas Advocate*, and might, through it, aid him in attaining the political honors that he coveted; and the partnership proved a pleasant and profitable one.

He was an amiable gentleman, and yet a good hater of his political enemies,—as, indeed, most of us were in those days. He was not quarrelsome either, but always ready and never shunning collision with any one. His combativeness was once oddly exemplified, in a matter in which he had no personal interest. I had written some articles over the signature of "Casca," in the *Advocate*, of which I was then the publisher, which if I had been older and wiser I should not have written, and while they were being published I stopped one morning to speak to Colonel Sevier, who was sitting on the door-step of one of the rooms of Ashley's brick row. After we had spoken together a moment or two, he said: "Look here, Pike, if that man Casca who is writing for your paper gets much more severe, I shall have to ask you for his name." He said it jocosely, and I replied: "All right, colonel, when you call for the name of the author you'll get it," and with a laugh went on my way.

I told this to Mr. Cummins, and his eyes snapped, as in his sometimes shrill voice he cried with eager excitement: "Tell him I wrote them! Tell him I wrote them." He would gladly have fought Sevier in that quarrel, "at the drop of a hat," as used to be said in Arkansas. But the authorship of the letters was never imputed to *him*. Sevier and most others sup-

posed that Judge James W. Bates was the writer. If he had been elected a representative in congress, he would have served the State well, for he had ability, readiness, resources at his command of intellect and knowledge and political sagacity. Withal he was an honorable, upright and generous man.

How little chance a whig had of political preferment in Arkansas may be judged of by this that follows, which was vouched for to me about 1844 for a true story.

Randolph was a northern county, in which there were some five hundred voters, twenty-five or thirty of whom, only, were whigs; of course this handful of men never put up a candidate, but about that year two democrats opposed each other for a seat in the legislature. They were neighbors,—that is, they lived not more than twenty miles from each other,—and they made a firm agreement that neither should tell any tale of the other, injurious to him, except when they were together. But it soon happened that one of them heard that in a speech made at a meeting in some precinct, when he was not present, the other had told the people that he had on one occasion come upon his competitor in the woods, just as he was cutting off the ears of a hog that he had shot, which hog, he said, was in his, the reciter's, mark, and belonged to him. When they met soon after, the aggrieved candidate lost no time in calling him to account for his breach of contract. "Didn't you and I agree," he said, "that one of us shouldn't tell any tales on the other, if he weren't thar to answer for his-self?"

"Yes, we did *so*."

"What did you go and break it fur, then? Didn't you get up down thar at Hominy Precinct, and tell the crowd that you caught me in the woods three years ago a-cuttin the ears off o' one o' your hogs?"

"Yes, I did: what of it?"

"What of it! Durn your 'ornary hide of you, 'twas a low-down mean trick!"

"It was true, weren't it?"

"Well, yes, it wer, but you'd no business tellin it when I weren't thar to contradict it. Look a-here, now, you just tell that story on me agin any whar, if you dar, and durn my skin if I don't tell 'em your'e a whig."

In what esteem as a lawyer William Cummins was held, may be somewhat judged of by an incident related to me by John B. Floyd, at a much later day secretary of war of the United States, who was, about 1836, and for three or four years afterward, planter in Phillips county, and practiced at the bar there.

“One day not long ago,” he said, “a chap from the country wanted to employ me in a little case, and after telling me at great length what he called ‘the rights on’t,’ asked me what I would charge him to ‘tend’ to it. ‘Twenty dollars,’ I said. ‘Twen-ty dol-lars!’ he exclaimed, ‘twen-ty dol-lars! why, I kin git Ee-squire Cummins for that.’ Complimentary, wasn’t it?”

JAMES W. BATES.

BY GENERAL ALBERT PIKE.

Judge James Woodson Bates, of Crawford county, had been judge of the superior court some years before I became an Arkansian. He was a brother of Edward Bates, of Missouri, afterward attorney-general of the United States. I do not suppose that he ever practiced at the bar in Arkansas. He was a generous and kindly man, of brilliant genius, said to have been pronounced, in his younger days, by a distinguished Virginian, to have been the finest essayist in the State of his birth, Virginia. He was of middle height and size, his features irregular, but his eyes bright and piercing, his forehead fine, his face indicative of large and quick intellect. I do not know what his legal acquirements were, but he was reputed to have been a good judge. It was said that he was no orator; but he was a polished, keen, brilliant writer, sarcastic as Junius, comparing with other writers in Arkansas as a swordsman, skillful in the use of the rapier, compare with the heavy, sabre-wielding cavalryman. His mind was richly stored with knowledge. He was a whig, too, and had no mercy for his political adversaries. Otherwise than with his pen occasionally, he took no part in politics, though I did once see him preside over a meeting at Van Buren, when words and angry replies passed between him and Wharton Rector, whom most men dreaded, but of whom Judge Bates was not in the least afraid, answering him with sharp and bitter words.

He lived with Major Moore, his father-in-law, some twenty-five miles below Van Buren, and rarely went away from home, being given to study, and caring little for the outer world, a thoughtful, silent man, a recluse, but no misanthrope; for he was a man of a very noble nature.

I met him once just as he rode into Van Buren, and in answer to a question as to his health, he said, "I am well, but in an ill-humor. I have been afflicted this morning by a fool. I left home alone, and wished for no companion, but was overtaken by one, a farmer in the neighborhood, who found it in his heart to bestow all his dullness upon me, babbling incessantly all the way for twenty miles. There are men, sir, who are so idiotic that they cannot be made by any hints to understand that sometimes a man who thinks at all, which most men do not, wishes to commune with himself, and not to be talked to at all."

ARCHIBALD YELL.

BY GENERAL ALBERT PIKE.

I never met Archibald Yell but once in a court-room, and cannot speak of him as a lawyer. I did not know that he was a mason until four or five years ago, when I learned that he had been grand master of masons of Tennessee, for I was not made a mason until he had been dead nearly three years. I knew him as governor and as representative in congress, and I served under him in Mexico.

He was a lawyer in the days of the territory, and was in attendance as such at the court held by Judge Benjamin Johnson at Crawford Old Court House, in the winter of 1835-6.

He was killed in battle at Buena Vista, on the 22d of February, 1847, a little more than forty years ago, and yet I remember him well, and all his looks and ways, as if I had seen him only yesterday. As a democrat I disliked him; in the service in Mexico we had disputes, but the dislike and the disputes have for forty years seemed to me like dreams. What follies most of our piques and resentments, our contentions and wranglings, seem to have been, when we look back upon them, and cheerfully admit that those whom we disliked and felt enmity toward were good and upright men!

Archibald Yell was a worthy and honorable man; an officer of the government, of unblemished integrity; a sincere devotee of the interests of his country; a man of a kindly nature, amiable and obliging, and of heroic bravery. Frank, open, free-spoken, he harbored no secret malice.

Ex iracundiâ ejus nihil supererat: Secretum et silentium ejus non timeres. Honestiùs putabat offendere, quàm odisse.

as Tacitus thus said of Agricola, so it could truly be said of Archibald Yell, "of his anger nothing survived; his secret thoughts and silence were not to be feared; he thought it more honorable to be aggressive than to hate."

And, as the same great writer said of the same great Roman: "Although he was taken away in the prime of life, he had, as to glory, lived the longest of lives."

TERRENCE FARRELLY.

BY GENERAL ALBERT PIKE.

This worthiest of men resided five miles from the Post of Arkansas, a mile or two below the plantation of his warm friend, that king among men, Ben. Desha. They were very unlike each other, both in appearance and character, but they were like brothers. Desha was a large, stately man, fitted to be an emperor. I never saw such eyes in any human head as his and those of his brother, John R. Desha, large, luminous, brilliant, terrible in anger. I saw Ben. Desha once at the Post of Arkansas drive a faro-dealer, who menaced him with a bowie-knife, out of the room by advancing upon him with a penknife, his eyes blazing like those of an angry lion, clear and piercing as a hawk's. I was talking with him in 1835, on the pavement at DeBann's corner, when Wharton Rector came up and spoke to me, and then a few words passed between him and Desha, when Rector, flaming with anger, said: "Colonel Desha, this is the second time that we have had words together. The third time——" "By God, sir," said Desha, coldly and sternly interrupting him, "make it the third time now." But the days of personal conflicts in Arkansas were over and nothing further was said.

Terrence Farrelly was an Irishman, some fifty years of age in 1833, when I met him at Little Rock and at once became at-

tached to him. He was of plain features, unmistakably Irish, with heavy eyebrows and clear, frank eyes, as loyal, true and pure a man, of as kindly feeling and ready sympathy as any man I ever knew. When Henry Clay was defeated in 1844, he was so overcome by emotion that he wept like a child. I have had many friends, and I love the memory of many, but I have had no such friend, and no one's memory is so dear to me as his. He was not a lawyer in 1833, but had studied, and many years afterward was admitted to the bar and practised for some years. Always ready to serve his friends, his services were always in demand and always efficient. "Terrence!" exclaimed his friend James Scull, the territorial treasurer, "I shall go crazy over these infernal accounts. For God's sake, come and straighten them out for me!" and with infinite patience Terrence "straightened" them. Everybody confided in, everybody honored, everybody loved Terrence Farrelly. No man ever had a nobler troop of friends than he. He certainly never had one that he did not deserve to have; and I am sure that he never lost one.

Neque solùm vivi atque præsentēs tales homines docent, sed hoc idem etiam post mortem assequuntur.—CICERO.

THOMAS HUBBARD.

BY GENERAL ALBERT PIKE.

Major Thomas Hubbard, who resided at Washington, Hempstead county, was the Nestor of the bar there when I first went to the court in 1837 or 1838. He had been there then for some years; how many I never knew. He was educated in New York and was a good, sound lawyer, who never permitted himself to doubt the absolute justice of his client's case, or to be convinced that the law was not as it was for the interest of his case it should be, if he could help it. He had a large practice in that circuit and attended to it well, always knowing accurately the facts and being well prepared with all accessible authorities in support of his propositions. It was amusing to witness a pitched battle between him and George Conway. Hubbard was like a heavy line-of-battle ship, manœuvring slowly and changing his course with difficulty, with huge artillery of solid argument and apt au-

thorities, sure of success if his antagonist would but keep still and let him at his leisure bring his guns to bear upon him. Conway was small in size, excitable, quick, nervous, of rapid speech, sometimes incoherent, shifty, skillful to evade authorities, now on this side, now on that, of the more heavily-armed vessel, peppering it with his light guns as a smaller bird stings and exasperates a larger and slower one.

Major Hubbard contracted a great affection for his cases and became actually unwilling to see the most aged ones come to an end, as one dislikes to see that of an old friend. He had them of ten, fifteen and even more years of age, resented any attempt to bring them to what he considered untimely trial, and sincerely mourned for them and celebrated their obsequies, when, gray with age, they were gathered unto their fathers. To win one was almost as unwelcome to him as to lose it, when it had become hallowed and sanctified by time. He was a very true and a very honorable man, a staunch whig, a firm upholder of the laws, no time-server and no respecter of persons, of sturdy independence, rooted convictions and supreme integrity. He was grave and sedate, observant of all the proprieties of the profession, fair in references to and statements of authorities, and well entitled to be remembered kindly by those who knew him.

I must leave to others to speak of the living, Turner and Royston and Alfred M. Wilson and others, if there be any who, like myself, have outlived their contemporaries, and there are enough living who knew them to speak of those who came to the State in 1836, and afterward. Frederick W. Trapnall, in appearance every inch a nobleman, of bright, keen, quick intellect, gracefully eloquent, whose proper place was in the halls of congress; of John W. Cocke, kindest and most genial of men, of brilliant genius, impulsive, ardent, eloquent, whom more than any other member of the bar I loved; of Samuel H. Hempstead and John J. Clendenin, and George C. Watkins; of Ebenezer Cummins and George W. Paschal; of William H. Sutton, of Chicot, and many others, whose memories time ought not to be permitted to obliterate.

*Est enim gloria ea consentiens laus bonorum, incorrupta vox
Benè judicantium de eccellente virtute.—CICERO.*

NOTE.

[Before receiving the last twelve sketches by General Albert Pike, the author had prepared short biographies of some of the same men, to-wit, John Taylor, Thomas J. Lacy, Edward Cross, David Walker, William Cummins, Archibald Yell and Terrence Farrelly, hence these characters appear in duplicate; not, however, with the unwarranted assumption that they will lend any thing to what the greatest of American scholars has written, any further than to fill in the details omitted by that great man.]

JOHN TAYLOR.

The eloquence of a master and polished logic of a profound reasoner were united in this eccentric, brilliant genius—exalted, heroic crank—who seemed only to desire temporary friends among his professional brothers, that they might the easier be brought within range of his “Parthian arrows” as material for the most brilliant phillipics.

Of his birth and early history but little is known by those who knew his career in Arkansas, but from known facts he could not have been born later than 1789, as he was a candidate for the United States senate in 1819, and not eligible to that office under thirty years of age.

He was quite poor early in life, but from sources not now known in the west, he became an accomplished scholar. When he attained to years of majority, he was admitted to the bar in Alabama, and about the same time married a celebrated beauty who, tradition says, soon tired of, and deserted him for another. He was an ordained minister in the Methodist church, but at what period in life he assumed ecclesiastical functions is not known to the author.

Alabama was admitted into the Union in 1819. In October, of that year there was an exciting contest for the United States senate between John Taylor and William R. King, who finally defeated Taylor by a majority of only two votes.

King had been defeated for the same office in his native State, North Carolina, and left there for more promising political fields and settled in the territory of Alabama. With Taylor, irony and sarcasm were terrible weapons. With these agencies he inflicted wounds that never healed. These wounds arrested his ambition and prevented the infliction of an improved edition of John Randolph on the United States senate. He became, ever after this burial of his high hopes

and aspirations, a confirmed cynic, an Ishmaelite, and about 1837 abandoned Alabama and sought asylum in Arkansas, settling in Little Rock, in the fall of that year.

On first acquaintance he was affable and courteous to all members of the bar, and made a very flattering impression, completely secreting that biting irony and withering criticism which, on the first opportunity, he would hurl like the thunderbolts of Jove.

He was six feet high, very slender, straight as an arrow, eyes gray, with the piercing flash of an eagle's, sharp features, rendered sharper by a long, sharp-pointed nose, small feet, long, bony fingers, blonde hair, combed back and resting on his shoulders, cap under arm, with spurs on.

This photo is given by Judge William Walker, who knew him well, and is drawn as he appeared in the court-house at Norristown, in Pope county, opposite Dardanelle, in the winter of 1842, when taking position before court and jury in an old log court-house.

Not long after his arrival at Little Rock an opportunity to display his splendid abilities was presented, and he embraced and subordinated it to the full measure of his fame.

The speech was not preserved, but tradition yet hands down his oratory in Ciceronean splendor, with ripest thoughts and powers of the logician, a combination of faculties very rare, but when united in one man, they point to fame and the Pantheon.

About 1842 he defended a client at Norristown charged with murdering his wife. The trial was lengthy and resulted in conviction. A very careful and lengthy bill of exceptions was preserved during the progress of the trial by him.

John J. Clendenin, afterward judge, but then a young man, was prosecuting attorney and *ex-officio* attorney-general for the State, for some unexplained cause tore into shreds a vital part of the bill of exceptions, embracing the testimony of two important witnesses, without the knowledge or consent of Taylor. A few days after when he called on the clerk for the record, he for the first time discovered the terrible void in it; and when Judge William Walker, who was then deputy clerk, told him of the unauthorized disposition of the record made by Clendenin, he became livid with rage.

The mutilated pieces of the record had fallen through the puncheon floor, which Taylor tore up and gathered up the scraps, and after many hours ingenious labor succeeded in restoring the evidence and had the clerk insert it in the record.

Judge Walker, who made out the record on which a human life depended, says it presented a remarkable appearance.

Taylor carefully preserved it as the text and foundation for a terrible phillipic against the author of its destruction, and produced the original as restored on the argument of the case in the supreme court, and in one of the fiercest phillipics ever uttered held up the mutilated skeleton in Clendenin's face and in thundering tones of eloquent indignation asked if it did not look like a departed ghost rising up in judgment against the stealthy, cowardly assassin.

The effect on court and auditory was electric, magnetic, convincing, overwhelming, and left an impression on all who heard it as durable as life.

The case was reversed but the second trial resulted in conviction and hanging.

But in this connection I must say, for fear a wrong impression might otherwise be indulged, that Judge Clendenin was a high-toned, honorable gentleman, and incapable of intentional wrong, but this was one of those unguarded and unfortunate accidents which called down on his head a terrific thunderbolt.

On another memorable occasion at Clarksville about 1841, Taylor represented the plaintiff in an ordinary civil suit and was opposed by John Linton, a character as remarkable as that of his own.

When these two celebrities were opposed it was Greek meeting Greek — the battle of the giants.

Linton was an able lawyer and as careless and indifferent as Taylor in playing with lightning, but was devoid of that grace, polish and elegance of diction which distinguished Taylor.

William Cummins, Samuel Evans, Bennett H. Martin, Frederick W. Trapnall, Charles P. Bertrand, Samuel H. Hempstead, and many other celebrities of the "old bar of Arkansas," were in attendance on the court, and all of them very naturally enjoyed the luxury of an intellectual combat between those giants, and all, excepting Hempstead, it is said, entered into a con-

spiracy to whet the remorseless appetites of these adversaries for each other, neither one of whom "would kneel to Jove for his thunder, nor bow to Neptune for his trident." Linton knew nothing of the conspiracy, but had imbibed all the venom necessary to the prompting of a terrible phillipic against Taylor.

But the latter had discovered the artful conspiracy to set Linton on him, and to avenge himself on all gave royal rein to his unrivaled genius for that character of contest, and he took, first, the conspirators up, one by one, reserving Linton for his peroration.

Judge Caldwell, who presided, and Samuel H. Hempstead were the only persons who escaped the devastation wrought by that forensic cyclone.

Hempstead was the only auditor who knew that Taylor would, with the fearless wing of an eagle, sweep down on all the bar but himself, and that his exemption was alone due to the fact that he had not joined the coalition.

Hempstead improvised a special seat for the occasion high up in the corner of the old log court-house, and no auditor in the Areopagus of ancient Greece ever enjoyed intellectual combat more than he did this.

Linton opened in an address to court and jury of great length and power, allegorically describing Taylor as his aunt, graphically depicting the emotional sensations of her corrupt and abandoned heart, her pale, thin, quivering lips, tall, slender form, long, bony fingers, as she invoked the offices of an angel to cover up the darkest deeds of hell.

He then paused, as if gathering renewed strength to hurl indignation at his adversary, and described her as she moved through the desecrated temple of justice in the robes and with the tongue of an arch-angel, a despised object of corruption, pollution and contamination, and then denounced her profession of religion as the consummation of all that is vile and odious and revolting to hell itself. [Taylor was a praying, professed Christian.]

During the delivery of this speech the conspirators were all greatly delighted and entertained, and up to this period did not have the remotest idea that they would be taken up one by one before the curtain closed on the scene.

Taylor sat quiet under the excoriating affliction and as immobile as a marble statue, conscious in the plenitude of intellectual power to take care of himself.

He rose to reply, and commenced in slow, measured phrase, with all the dignity of a Roman addressing his peers in the senate, and with calm complacency alluded to all the indignities and insults which had escaped the lips of that puppet and moral monstrosity, who for some mysterious purpose had been created as a caricature on all that is elevated and noble in man—and then gently turning the leaves of the Bible on the table before him, he unfolded the conspiracy which had culminated in this unwarranted attack on him, and pointed out and named all the lawyers and others, with an emphasis and richness and rhythm of language which cannot be communicated to paper and said: "They are not content with this effort to revile and destroy me, but like the scoffer and mocker when Christ was crucified on Calvary as an atonement for the sins of mankind, they have mocked and reviled the religion I profess."

He indulged this pathetic strain until tears came to jury and auditor, and then after so artfully commanding and mastering the sympathy of his auditory turned with terrific force and resistless energy on the lawyers who had encouraged Linton's attack.

When he came to "Little Billy Cummins" he seemed to be reaching the climax of denunciation, and pointing to a singular white spot of hair on his head said: "That is not indicative of honorable age, but like the mark that branded Cain is indicative of phenomenal crime."

Cummins could not contain himself any longer and sprung at him with the resolute venom and impetuosity of a tiger.

But Judge Caldwell, knowing that the lawyers who had been so unmercifully handled would probably not interpose, sprung from his seat on the bench, and with powerful grasp seized Cummins by the collar and commanded him to stop, and said with resolute emphasis: "You commenced it, you shall not interfere now," and order was restored.

During this episode Taylor folded his arms, with scornful curl of the lip and defiant menace, plainly indicating dauntless courage. He then proceeded, and, after finishing his indict-

ment against Cummins, turned to Linton, and pointing his index finger at him, enumerated the concentrated slanders which had fallen from his "polluted lips," and shaking his finger in his face said: "The derision you cast at my religion is the last and most venomous arrow of the cowardly Parthian, prepared by the defeated instrument of vice and hurled by the palsied hand of corruption;" and then, with increased emphasis and a withering scowl of disdain, cried out: "Behold that huge mass of moral degradation!"

For one hour this strain of invective was kept up against Linton, whose tongue frequently sought an embrace with the lower end of his sharp chin, indicating the mental torture raging within, but he did not interrupt his adversary.

Judge William Walker, who heard this remarkable contest, tells me that he heard that great judge and profound scholar, General Albert Pike, years afterward, say: "It is a great misfortune Taylor's phillipics are not preserved for literature and posterity."

The Hon. Jesse Turner (that grand old Roman who is yet spared to us) tells me that Taylor was a great lawyer and splendid orator; that after first acquaintance he did not manifest any further interest in you; that he was a cynic and denounced his brother lawyers and said they wanted to poison him. [Evidently a melancholy vein of insanity which ought to have protected him against malice.]

That in common with other lawyers he rode the circuit on horseback all over the State twice each year, but departed from the usual custom in carrying a large bundle of books on his horse in front of his saddle for hundreds of miles. When the weather admitted, he would go to some secluded retreat in the dense forest and camp out by himself, and when inclement weather drove him at night for shelter to the habitations of men, he demanded a bed to himself, and when not accorded this, but compelled to share his bed with another, he would wrap or tie himself up securely in a blanket to prevent contact with his bed-fellow.

He left Arkansas about 1844 or 1845, and went to Texas and practised his profession there, and here we lose trace of him for several years, except occasional glances through the

brilliant description of A. W. Arrington, another celebrated orator.

The next connection made is through my friend Hon. S. W. Williams, who tells me of a strange, sad scene which came under his observation in the supreme court-room in 1855. Twelve or fifteen years after he left the State he came back riding on horseback many hundreds of miles to indulge a desire to visit the scenes of other days. The old, gray-headed man was laboring under the weight of accumulated years, but was still vigorous in mind and body, and looked defiant, but cold and passionless as marble.

He went alone to the supreme court-room, whilst the court was in session, to look on the familiar scenes and faces which had witnessed his great intellectual combats once more before that tribunal should "know him no more forever." Many of the "old bar" had died, some had moved away, new judges presided on the bench, but many of the "old guard" were present, Watkins, Fowler, Bertrand, Clendenin, Hempstead, with whom he had measured lances in earlier days, and many young men who had come on since his departure.

As he entered the temple all met the cold glance of his eagle eye, and the elders recognized him, but no word or other recognition passed.

"Old John Taylor" never forgave a man he had once hated; to hate once meant always; and all who knew him knew his unrepentant, unforgiving nature.

Here was a scene worthy the brush of Raphael. Angry Jove towering among the silent gods.

The pen, the genius, the inspiration of Scott or Hugo could baptize it in a world-wide fame.

THOMAS J. LACY.

The following letter explains itself. It is from the cultured nephew of Judge Lacy, who has been a paralytic fourteen years, wholly unable to walk, and only at intervals able to speak or dictate to an amanuensis. He is a gentleman of great worth and high attainments, and wrote the letter to the author without any idea of its ever being published, but it will be appreciated

all the more for that. This letter leaves nothing for the author except to supply the missing links as far as possible.

GLENDALE, KY., *September 28, 1886.*

JOHN HALLUM, Esq.:

DEAR SIR— I fear you will be disappointed. Colonel and Mrs. Doak are mistaken in thinking that I know much about the life and family of Judge Lacy. The principal part of what I know was gathered from time to time in family conversations and rests entirely in memory. Having no records I can furnish no data; this I regret.

Thomas J. Lacy was born in Rockingham county, North Carolina, the family having removed thither from about Fredericksburgh, Virginia. He was the son of Batie Cocke Lacy and Elizabeth Overton. Batie C. Lacy's father was William Lacy, and his mother, Martha Cocke. William Lacy, family tradition says, was high sheriff of Spotsylvania county under George III, Rex, etc. Judge Lacy's mother was the daughter of Colonel John Overton, of Virginia, and Ann Booker Claugh. I suppose this is far enough to trace the ancestral line in this democratic country. Here we run back to the hundredth generation of horses and bulls, when we don't know who our grandmothers were.

Judge Lacy's father had, however, a family record which carried him back seven hundred years to Hugh De Lacy, first viceroy of Ireland.

As the whole Clan Campbell are cousins of the Duke of Argyle, having sprung from the founder of the clan, so every Lacy, I suppose, traces his line back to the old Norman baron.

Judge Lacy was educated at Chapel Hill College, North Carolina. After completing his education he read law in the office of the celebrated John Pope, one of your territorial governors under the administration of General Jackson, his father having in the meantime removed to Nelson county, Kentucky. After studying law he settled in Springfield, Washington county, Kentucky, where his sister (my mother) lived. I was then too young to remember him.

His mother was cousin to Judge John Overton of Nashville,

Tennessee, who as you know was the second of General Jackson in his celebrated duel with Dickinson.

Whilst in this State, Judge Lacy became the junior counsel for the defense in the celebrated case of *The Commonwealth v. Beauchamp*, charged with the murder of Sol. P. Sharpe. Governor Pope, who was senior counsel, told me that Lacy's was a masterly defense for so young a man. Beauchamp also in his confession spoke very complimentary of young Lacy's speech. How long Judge Lacy remained in Kentucky I don't know, not many years, however, before he located in Nashville, Tennessee, from whence he went to Arkansas as territorial judge. Of his career in that State I know nothing to write. I presume General Pike is better acquainted with his career in Arkansas than any man living. I know he esteemed General Pike very highly as a friend, and as a man of learning, eloquence and ability. In about 1845 he went to New Orleans. Soon he was employed in a good many large and important cases notably in the Pulteney case, involving several millions of dollars; Sergeant S. Prentiss was co-counsel with him. His course was too short, however, to leave a permanent mark at the bar of that civil law State. He died of cholera in New Orleans in January, 1849, and was buried in the Protestant cemetery, in that city. I don't know that you care about the collateral connections of the judge's family; I will state, however, at a venture, that Judge Lacy's maternal grandfather, John Overton, was the uncle of Dobney Carr, who married Patsey Jefferson, sister of Thomas Jefferson. Mr. Carr it was who introduced the resolutions in the general assembly of Virginia, to invite the other colonies to send delegates to a general congress representing all the colonies, to take into consideration their common grievances and make common cause against the mother country. This resolution was the initial of the continental congress. Wirt says he was the rival of Patrick Henry in eloquence, as you know. But his useful and brilliant life was cut short at the early age of thirty-six. I regret that my information is so scant. If I can, by correspondence with other branches of the family, furnish any other facts, I will do so. I do not know where a likeness of Judge Lacy of any kind is to be had.

Very respectfully, etc.,

JAMES A. GAITHER.

In the autumn of 1886 the author paid a special visit to that venerable jurist and statesman, the Hon. Alfred B. Greenwood of Bentonville, who comes to us from a past generation rich in the wisdom and experience of the jurist and the sage, with unimpaired memory and mental faculties. He manifested much interest in the efforts of the author to stay the remorseless vandalism of oblivion in high places, and his face lighted up with pleasant anticipation as he said: "Hallum, are you in possession of the history of Judge Lacy's life? if not, spare no exertion to get it; he was one of the purest and best men I ever knew. I have been in public life and in contact with the educated and refined of this country and Europe, and have never met a man more gentle and pleasing, or possessed of more engaging conversational powers."

Judge Lacy graduated at Chapel Hill with the highest honors in the class of 1825, when only nineteen years old. His father was the warm personal friend and political adherent of General Jackson. His mother was an Overton, one of the best families of Virginia; through her he was a blood relation of Judge Overton of Tennessee, who was ever the friend of General Jackson, and was his partner in the purchase of the Chickasaw Bluffs, on which the city of Memphis is located. These facts, added to young Lacy's solid, independent merit, gave him access to the old hero's heart and confidence, and laid the foundation of his commission as judge.

Here the author may be pardoned for relating an episode illustrating the character of General Jackson in forming his opinion of men. The Arkansas delegation in congress during his second administration united in an earnest effort to have Mr. B.—— appointed receiver of the land office at Little Rock. The president gave this characteristic reply: "I have seen that fellow around here and don't like his looks; he won't do; I don't intend to appoint him — recommend somebody else, gentlemen." The name is withheld for obvious reasons; he was in every sense a worthy man, but his face ruined him in the opinion of the president.

In 1832, there were two vacancies on the territorial bench of Arkansas which were filled without solicitation or intervention from extraneous sources.

Thomas J. Lacy, then of Nashville, and Archibald Yell of Fayetteville, Tennessee, were first in the heart of the appointing power for these positions, and each received the judicial seal.

Territorial law then required the judges to reside in their respective districts, and Judge Lacy selected Monroe as the most eligible county for his residence. He soon became known as an upright and able jurist, and all who came in contact with him were impressed with the great moral worth and magnetism of the man. In the fall of 1835 he was elected delegate from Monroe county to the constitutional convention which convened early in January, 1836, to formulate a State government, and was conspicuous in moulding the convictions of that learned body of men.

The first legislature under the new government assembled in the fall of 1836, and among its first acts was the election of three judges of the supreme court; the honor was conferred on Judges Lacy, Dickinson and Ringo. Under this constitution the president of the senate and speaker of the house were required to apportion the judges by lot into three classes, so that one thereafter should be elected every four, six and eight years. In this apportionment the six-year term fell to Judge Lacy.

His popularity as a jurist grew and increased with his years and experience, and he was re-elected, without opposition, in 1842, for the full period of eight years.

In 1845 his health was impaired to an extent necessitating resort to New Orleans for surgical treatment. Shortly after his return his devoted wife died without having borne him any children. These combined misfortunes influenced him to resign his commission as judge on the 7th of June, 1845, much to the regret of the people he had so long and so well served.

He moved to New Orleans where he entered upon a large and lucrative field of practice, but died of cholera in January, 1849, in the forty-third year of his age.

He was six feet high, slender in form, weighed one hundred and thirty-five pounds; had black hair, dark skin and black eyes. He was an orator possessed of the most graceful and pleasing diction. His published opinions embrace the era extending from 1836 to 1845, and show him to have been a

learned, painstaking, upright jurist, satisfied to follow the great current of authority, without embarking on the hazardous field of leading and exceptional cases on which to found personal fame.

TERRENCE FARRELLY, ARKANSAS POST.

Terrence Farrelly was born in county Cavan, Ireland, in 1792. When quite young he immigrated to America and settled at Meadville, Pennsylvania, where he remained a few years in the avocation of daily laborer. He had a great thirst for knowledge, and with little assistance acquired during leisure hours and long winter nights the rudiments of a common school education, which he continued to improve during life. He was a great reader and embraced in a desultory circuit a vast field of literature, history being his favorite study. A large stock of good practical common sense supplemented by an hospitable and genial nature justly entitled him to a high degree of consideration with the primitive inhabitants of the territory. He was a prominent actor in the section where he resided for many years; was often elevated to official station, and thus became one of our early historic characters. He came to the territory of Missouri in 1818 and settled on a farm four miles above Arkansas Post, where he continued to reside the remainder of his long life. He married Mrs. Mary Mosley, a widow, who bore him eight children, but two of whom now survive, Mrs. Elizabeth J. Langtree and Charles C. Farrelly of Little Rock. He read law and was admitted to the bar at a late period in life and was enrolled in the supreme court as a member of "the old bar" of Arkansas. He came to the front as a member of the territorial legislature from Arkansas county in 1823, and was that session elected speaker of the house. He stood for re-election in 1825, but was defeated by Ben Harrington. He was successively elected to the territorial council in 1827, 1829, 1831, 1833 and 1835, aggregating twelve years' service in the territorial legislature. He was a member of the constitutional convention of 1836, elected as a floater from Arkansas and Jefferson counties. This "fine old Irish gentleman," after the inauguration of the State government, retired from public life and devoted the remainder of his life to the practice of his pro-

fession and his private affairs. He passed quietly to rest at his country seat in 1865, regretted and honored by his fellow citizens. He was a large planter, and delighted in dispensing the hospitalities so famous in the south during his day.

JUDGE DAVID WALKER, FAYETTEVILLE.

Judge Walker's lineage is traced back to an ancient line of Quakers of robust integrity, belonging to the middle classes of England. The last trans-Atlantic ancestor in the male line is Jacob Walker, whose son George emigrated to America and settled in Brunswick county, Virginia, preceding the revolution, where he married a native to the manor born, allied in lineage to the cavaliers.

To him was born several sons whose descendants have made him the central figure in the American line of a very distinguished family, whose attainments are written high and prominent on the escutcheon of several States.

One of these sons, Jacob Wythe Walker, born in the decade that ushered in the revolution, joined, early in life, the resistless tide of emigrants that crossed the mountains into Kentucky, where, in what was then a part of Christian, now Todd county, on the 19th of February, 1806, was born unto him and Nancy Hawkins, his wife, David Walker, who became the distinguished citizen and upright jurist of Arkansas.

His father was a distinguished lawyer, free-hearted and generous to a fault; no sordid desire ever entered his mind to enslave and corrode his heart. His nature was in accord with the divine monition, "lay up not riches, lest they take wings and fly."

As we have oft-repeated, and need not here emphasize, educational facilities on the frontier in the early decades of this century were meager and primitive.

This want of juncture in fortune and facility placed the noble signet of a self-made man on the brow of David Walker.

Instead of dwarfing and perishing his native resources, it kindled the latent energies of a noble nature early in life, and led it onward and triumphantly upward to the end of a long and useful life. His achievements in the rudimental and higher branches of literature, and the noble science he mastered, were



DAVID WALKER.

the results of unaided battles and toils. He was admitted to the bar in Scottsville, Kentucky, early in 1829, and practiced law there until the fall of 1830, when he moved to Arkansas, landing at Little Rock on the 10th of October. A short time after this he located in Fayetteville, where he continued until his death, on the 30th of September, 1879, the consummation of a long and useful life, well worthy the study and imitation of noble and aspiring youth. From 1833 to 1835 he was prosecuting attorney in the third circuit. He was one of the many able members of the constitutional convention of 1836. In 1840 he rode the tidal wave of whiggery into the State senate, in which he served four years. In 1844 he led the forlorn hope of his party in the ever memorable contest with Governor Yell for congress, which is more fully detailed in the life of the latter. In 1848, whilst he was on a visit to Kentucky, and without his knowledge, a legislature largely democratic elected him associate justice of the supreme court over strong democratic opposition, embracing such men as Judges English and William Conway, both of whom afterward succeeded to the office. The election to this high office over such opposition at a time when party politics ran high was the best testimonial the Commonwealth could pay to the exalted worth of the lawyer and citizen. He was much astonished at this election; being a leader of the opposition, he did not for a time understand its import, and it required some earnest effort on the part of his friends to persuade him to accept the office; but after being satisfied that it would not conflict with his high-church whigism he accepted. In the administration of this office he made and left a record for ability and stainless integrity. The people of Arkansas have always accorded him that high degree of meritorious consideration which the British subject accords his lord chancellor. When he saw that war was likely to become the final arbiter in the great sectional conflict between the States, his love embraced the Union as the fruition of the greatest blessings and achievements God had held out to man since the creation of the world, but his deeply-moved sympathies clung to his native south like the undying love of the mother for her wayward child, and he cut the "Gordian knot," without doing violence to his heart, by joining the revolution he could not stay.

With his soul, and head, and heart, and the delicate adjustment of mental and moral forces which dominated his nature and impressed it with the signet of that noble individuality—the sum and product of his character—it was simply impossible for him to embrace the idea of striking down the south in blood. He ascended to that lofty summit where General Robert E. Lee stood, and with the noble ken that belongs to the higher type of man, recognized and acted on the fact, that what the world calls patriotism has its qualifications and limitations in supreme emergencies like those which ushered in the war between the States. The exercise of this God-given right has marked the world with more monuments than one Pharsalia.

On the 18th of February, 1861, he was elected to the convention which convened on the 4th of March, and finally on the 6th of May, passed the ordinance of secession. He was nominated for president of the convention, and received the forty conservative votes of that body, representing its union strength, as against thirty-five votes cast for Judge B. C. Totten, representing the disunion strength as then developed. But the rapidity with which the scenes and developments moved in one of the world's greatest dramas changed every member of this majority (save one) over to the minority by the 6th of May, and Arkansas with Judge Walker at the head of her revolutionary government cut loose from her ancient moorings, and proceeded to organize and equip forty regiments and battalions to maintain her defiant and resolute attitude.

In the disjointed era of 1866 he was elected chief justice of the State, and in a little less than two years was driven by military power from the office.

When the sun of reconstruction went down under the accumulated corruption of the serfs who violated sacred trusts and abused temporary power; when those, who, "like dead bodies thrown in the Ganges, rose as they rotted and floated on the surface, objects of loathing and contamination," were finally removed from power and place, this sterling old citizen and jurist was again called from his private retreat and placed on the supreme bench by the unanimous acclaim of a free people. He discharged the duties of this high office until September, 1878,

when he resigned, to enjoy the ease and comforts of private life, but he had already attained the patriarchal age of seventy and two, and but one year more was spared him. Nature gave him a vigorous, well-balanced mind, robust constitution and energies that taxed it to its full capacity. He rode the circuit through storm and through sunshine, through the rays of an August sun, and the snows of the winter solstice; he camped out on the road, forded creeks and swam rivers. To him the discharge of duty in all the relations of life was man's noblest performance.

We have stated that Judge Walker belonged to a very distinguished family. His father moved to Arkansas in 1836, and was president of the Fayetteville branch of the State Bank when he died. His uncle, George Walker, was an able lawyer, and was a senator in congress in 1814 from Kentucky; his wife was a niece of General Jackson's wife. Another uncle, David Walker, was a member of congress from Kentucky, and died in Washington while attending the session of 1820. John Walker, another uncle, was treasurer of Missouri for many years, and the father of General John G. Walker of the Confederate army. His cousin, David S. Walker, was governor of Florida. His cousin, James Volney Walker, was the father of his son-in-law, the Hon. James D. Walker, of Fayetteville, ex-United States senator from Arkansas, who married his accomplished daughter Mary. He was cousin to the Hon. William Walker, of Fort Smith, long celebrated as one of the ablest lawyers of the State. He was also nearly related to Richard S. Walker, ex-judge of the supreme court of Texas. Royal T. Wheeler, deceased, once an eminent judge of the court of appeals in Texas, married his sister Emily. Other distinguished kindred of the same name figure conspicuously in the local histories of Texas, Louisiana and Mississippi.

THE CUMMINS BROTHERS — WILLIAM AND EBENEZER, LITTLE ROCK.

These two brothers once adorned and honored the bar of Little Rock. William, the elder, came on the stage in territorial times, and was an important actor in shaping our laws and jurisprudence. Ebenezer, the younger, was an active

worker with those not now old, and died in the prime of manhood, a short time before the late civil war commenced. They were born on their father's farm in Jefferson county, Kentucky—William on the 11th day of June, 1800; Ebenezer on the 1st of February, 1818. Their paternal grandfather, William Cummins, immigrated from Pennsylvania, and settled in Kentucky in the times of Daniel Boone. The old pioneer and his son John, the father of William and Ebenezer, built a fort near the present site of Louisville to protect them and their families against Indian warfare. This was of prime consideration to the early settlers in the "dark and bloody ground," whose history is written in the best blood of the most heroic type of our race. The elder Cummins became a large landowner and settled a numerous family of sons and daughters around him on the rich lands of Jefferson county.

John, the father of our subjects, had twelve children, of whom William was the oldest. He gave his children the best educational advantages the country and times permitted. William at the age of sixteen had mastered a good English education, and at the age of twenty had accomplished a classical education. He left school and entered the law office of his uncle, William Cummins, who was a profound scholar and able lawyer then living in southern Kentucky. The careful training under his kinsman left its impress through life, and bore the ripest fruit.

In 1824, young Cummins located in Little Rock, and commenced a brilliant professional career—soon advancing to the front rank at a bar renowned for able men, many of whom attained national fame. In October, 1833, the ripest scholar America has yet given to the world located in Little Rock as one of the editorial staff of the *Advocate*, a whig paper founded by Robert Crittenden.

This young man read law at leisure intervals whilst engaged in editorial labor, and in October, 1834, was licensed to practice law by Judge Thomas J. Lacy. In the spring of 1835, William Cummins, recognizing the great possibilities in the reach of the young man, offered Albert Pike a law partnership, which was accepted. This partnership lasted many years; they were congenial spirits; their minds were of the same chaste, classic mould; their ambition looked upward to the same goal, though



WILLIAM M. CUMMINS.



EBENEZER CUMMINS.

the means to reach it varied; their political affiliations and convictions were founded on the model of the great whig idol, Henry Clay.

Cummins sought political preferment, and would have attained the highest honors in the gift of the people, if his fortunes had not been linked to the whig party, which never attained the ascendancy in Arkansas.

Pike's ambition led him to avoid the conflict of political parties, and to quietly ascend on the wings of literature, jurisprudence and philosophy to a loftier throne than that presided over by the fickle goddess of popular fortune in a republic.

The old Knickerbocker president's administration was very unpopular with a large majority of the American people. This caused the great tidal wave of 1840 which swept democracy from power and gave Van Buren an opportunity to luxuriate at Kinderhook for life.

In the contest of 1840 the whig party everywhere put its best material in the field. That year William Cummins, Dr. Lorenzo Gibson and Charles P. Bertrand (all whigs) were elected to the legislature from Pulaski county. This was the only political office ever held by Mr. Cummins.

But it should not be forgotten that he was a member of the constitutional convention of 1836 which formulated our State government, and that his great abilities as a lawyer gave him conspicuous prominence in that body and enabled him to render the State valuable and lasting service.

He who employs a great intellect, and toils well in laying the foundation of a great State deserves the gratitude of her children to the remotest ages.

May Arkansas, midst all the revolutions of government — the mutation and spoliation of time never forget to honor and remember her worthy sons, who made her history and achieved her fame. He was often appealed to by the whig party to lead its forlorn hope in deathly struggles with the democratic party, encountering defeat in contests with Yell and Judge Cross for congress. He stood alone in his family in politics; his father and brothers and other kindred were democrats. He adhered to the fortunes of the old whig party with unswerving tenacity, and preferred its flag as a winding sheet to his ambi-

tion, rather than court success by joining the dominant party in Arkansas. In this conscientious devotion to principle he has left a nobler signet to fame than all the laurels of office could lend. In 1832 he married Francine Notrebe, the beautiful and accomplished daughter of Colonel Frederick Notrebe, then a wealthy planter in Arkansas county, who immigrated from France about 1810, and settled at the Arkansas Post. Notrebe is a historic character, and is entitled to honorable mention in any work which relates to the early history of Arkansas. He was a polished, high-spirited gentleman, and had been an officer in the French army under Bonaparte during the consulate. He had participated in the revolution which dethroned and exiled the effeminate Bourbon dynasty from France. He drew his sword, as he thought, in the interest of liberal institutions, certainly not to strengthen monarchy or despotism.

When the first consul in 1804 threw off the mask and put on the crown, he sheathed his sword and came to free Arkansas, to enjoy what the inevitable had denied him in Europe.

Men like Notrebe, who give up home, fortune, place and power, rather than principle, belong to the highest type of man, are entitled to the highest consideration, and make the strongest pillars of State. He was buried in the cemetery at Arkansas Post, and his remains have been invaded and washed away by the river in its onward flow to the sea.

William Cummins left one daughter, now living in St. Louis, widow of the late Captain Edward Morton. He died in March, 1843, in Little Rock in the forty-third year of his age, and was buried in Mt. Holly cemetery. The first four volumes of Arkansas Reports contain all his law arguments that have been preserved. He was possessed of a high order of physical and moral courage, was never officious and never avoided just responsibility. He was a devoted friend, a defiant enemy.

Ebenezer, the younger brother, enjoyed the same educational facilities his elder brother, William, enjoyed, and he also acquired a classical education at Middleton, Kentucky. He was a good-natured boy and one of the most amiable of men, and though an ardent, zealous advocate, never wounded the feelings of any one, certainly never intentionally. After the com-

pletion of his studies in 1838 he came to Arkansas and read law with Pike & Cummins, and for a short time before his brother's death was his law partner. After his brother's death in 1843 he practiced law alone until after Captain Pike returned from the Mexican war. In 1848-9 he formed a partnership with his old legal tutor, and this relation continued until Captain Pike, afterward General, removed to New Orleans, late in 1854.

In 1856 there lived in Washington, Hempstead county, an obscure young lawyer who was scarcely known beyond the limits of his county, but he was possessed of a strong native intellect, untiring application and splendid possibilities. The young man naturally desired an outlet, an opening upward for the flight of his genius, that it might soar away from the unkind clouds that hid A. H. Garland from the world.

Ebenezer Cummins was kind hearted and held that splendid opportunity in his power. He commanded a much larger business than a man of his precarious health could attend to. Mr. Garland saw the opportunity and utilized it.

In 1856 the partnership of Cummins & Garland was formed, and Mr. Garland made one round of the extensive circuit before the death of Mr. Cummins in March, 1857. This partnership was a great stepping-stone to the junior member and left him heir to an extensive and lucrative practice. After the death of the elder partner many wealthy clients in Chicot urged on the surviving junior the propriety of engaging older counsel. To obviate the necessity of dividing large fees and playing second fiddle, the junior resorted to strategy and diplomacy by calling up a demurrer in one of the most important cases in Chicot circuit, which to the astonishment of clientage, court and auditory, he argued at great length, displaying wonderful knowledge of the law, and the minutest detail of fact and history of the case. This had the desired effect and ended all importunity for associate counsel. This inheritance of a large and wealthy clientage, with the ability to sustain the demands it imposed, opened up to Mr. Garland a brilliant career and national fame.

Mr. Cummins had a national reputation as a lawyer, and many of the cases in which he was employed as senior found

their way to the supreme court of the United States, and carried Mr. Garland to that tribunal with them, giving him a larger docket at one time in that tribunal than perhaps any man of his age. These cases opened up the way to *ex parte* Garland, involving the test-oath question growing out of the reconstruction acts of congress, reported in 4th Wallace, which first introduced Mr. Garland to national notice as a great lawyer.

Ebenezer Cummins never sought, desired or held office. His great abilities as a lawyer always furnished ample and congenial employment for his great talents. He was a profound lawyer, a logical and cogent reasoner; he cared nothing for eloquence, ornate language or felicity of expression, except in so far as it flashed light on the conclusions to which he was leading and driving. "He drove right to the point and cut the heart clear and clean." It required a strong man to meet and match him in debate. He was very popular with the masses—always voted the democratic ticket, but resisted every importunity to run for office. Had his ambition led to the political field, he could have attained the highest offices in the gift of the people. He never married and seemed indifferent to female charms, and was equally indifferent to fashion and the obligations it laid on dress. The quiet, even tenor of his life, the plain simplicity of his ways, and the good-will he always showed to his fellow man, made him universally beloved of men.

Like General Pike, he loved the old rather than the new friends, but was courteous and gentle to all. He died in Little Rock at the home of his sister, Mrs. Eliza Adams, who yet survives him.

GOVERNOR ARCHIBALD YELL.

In the suburbs of Fayetteville, on the undulating slope of a beautiful landscape not far from the university grounds, lies the silent city of the dead, with marble shafts and monumental inscriptions telling the living of those who sleep in its consecrated urns awaiting the judgment day.

One beautiful autumn morn when the sun was struggling through a rift of clouds in a golden haze, and the winds were



EX-GOV. ARCHIBALD YELL.

lifting and sporting with the yellow and sear leaf so sad and mournfully typical of man's advent and departure from the world, the author alone entered these sacred and consecrated grounds on a pilgrimage to a tomb bearing the following inscription :

“ARCHIBALD YELL.

Born in North Carolina August, 1797. Volunteer in the battle of New Orleans. District Judge of Arkansas Territory, 1832.. First member of congress from the State. Governor, 1840. Elected to congress again 1844. Resigned and accepted the colonelcy of Arkansas volunteers for Mexican war 1846. Killed at Buena Vista, February 22, 1847. A gallant soldier, an upright judge, a fearless champion of popular rights, a sincere friend — an honest man.”

Governor Yell had three wives — the first died in Tennessee, quite young. Two died in Fayetteville, and they share the heraldry proclaimed by the marble shaft.

The noble fraternity of Masons erected this monument in 1847, to their departed brother.

He emigrated to Tennessee in early youth, and settled first in Bedford county. Here he first met General Jackson, as the boy captain of the Jackson Guards at the volunteer rendezvous, preparatory to entering on the Creek campaign. He gallantly led his men in battle at Talladega and Emucfau and Horseshoe Bend, under the eye of his general, and by soldierly bearing and dauntless courage won the lasting friendship of the old hero.

When General Jackson issued his proclamation calling for volunteers to defend New Orleans in the war of 1812, he was among the first to respond; and he gallantly participated in the battle of New Orleans.

After the army was disbanded he read law and was admitted to the bar in Tennessee. Again in 1818, when Major-General Jackson called for volunteers in the Seminole war, he responded and was with his old commander throughout that campaign. After the Seminole campaign he located at Fayetteville, in Lincoln county, Tennessee, and there practiced law until 1832. He was not an educated man in the university

sense, but no man ever enjoyed a better knowledge of human nature, nor could any man play with more skill on the complicated keys which answer to every phase of human life.

In reference to an education, he once said in addressing an audience: "An education to a smart man is a great advantage, but to a fool, a great incumbrance."

In physical proportion and beauty of symmetry he appeared the perfection of man. He was five feet ten inches high, weighed one hundred and fifty pounds, had auburn hair and piercing blue eyes, sharper than an eagle's. He was full of pleasant humor and sunshine, and magnetic in every presence. These popular traits marked him for fame and made him a popular idol — a leader among men. He achieved local fame as a lawyer in Tennessee before Jackson became president. When that event crowned an era in our history, the old hero placed the judicial seal in the hands of two young natives of North Carolina, in whom he had unqualified confidence — Archibald Yell and Thomas J. Lacy, names lustrous and inseparable from the history of Arkansas.

Yell was offered choice of two vacancies: governor of Florida or territorial judge in Arkansas, and chose the latter.

The two young men were commissioned in 1832, and proceeded soon thereafter to their respective stations. Judge Lacy located in his district at Clarendon in Monroe county. Judge Yell at Fayetteville.

President Jackson did not stand on ceremony in removing appointees under John Quincy Adams, who, he believed, had, by "bargain and intrigue," defeated him for the presidency before the house of representatives in 1825.

The indulgent reader will pardon the author for stating the great difficulties he has encountered all along the line in arriving at correct data, facts and incidents in the absence of recorded history — so fast does history fade and perish when left to the vicissitudes of memory and tradition.

I am told the archives of our State contain no record of the fact that Archibald Yell and Thomas J. Lacy were judges commissioned by President Jackson to preside over our territorial courts. This careless, unpardonable omission to preserve the most important transactions in early times has invited the

ravages of oblivion in high places, and it extends over a great part of that important period of our history embraced in the span between 1819 and 1840. These obstacles are cited to illustrate the inherent difficulty which arises in a great number of instances. Let the inspired critic, when he flaps his wings to crow over a minor mistake here and there, tell me without reference to a record the maiden name of his grandmother, the date of her birth and marriage, and the name of the official solemnizing the bans.

The author, in the midst of so many difficulties blocking the way to absolute certitude, does not beg nor expect exemption from either the large critics or the loud, small croakers who perchance may have hidden away in the remote recesses of an obscure and retired individuality some minor fact which has escaped attention.

Governor Yell's great popularity with the masses was often the innocent cause of much embarrassment to him when on the bench. He possessed, in an eminent degree, the happy faculty of making everybody believe he was the best friend he had on earth. Many good, honest farmers not accustomed to the etiquette of courts, thought nothing of taking liberties with their best friend scarcely compatible with the grave dignity of a court, and when the sheriff admonished them would often retaliate by threatening him with Arch. Yell. Once at Fayetteville the sheriff was ordered to bring out a prisoner who had been indicted and convicted for "cow stealing," that he might be present at the argument on a motion for a new trial. The defendant having but little confidence in that formal proceeding took "leg bail" and made rapid flight for freedom, with the sheriff in hot pursuit. Judge Yell, looking from the bench through the window, saw the exciting race, and in a loud tone of voice said to the attorneys in attendance, "boys, by God, he has gone," and when the sheriff began to gain on the contestant the judge involuntarily said, "run, damn it, run like hell."

This was but the expression of sympathy for the distressed, inspired by a desire in his heart to see the object escape. If it was official weakness it came from the better side of human nature, warm and vigorous from the fountains of a heart rich in the milk of human kindness.

Whilst he was on the bench the constitutional convention was called which convened in January, 1836, to formulate and adopt a State government.

He refused to become a candidate for that convention because he deemed it incompatible with the discharge of judicial duties—little dreaming of the “job” the wire-working politicians sent to that convention would “put up” on him to close the gate against the advance of his ambition. It was then an open secret that he desired to be the first governor under the State government; and it was an equally open secret that no man in Arkansas could beat him for the office before the people. So says tradition.

Before the people he was a Hercules in the pathway of aspiring giants.

To clip his wings and cut off his flight to the goal of his ambition through the hearts and suffrages of the people who idolized him as a popular leader, a provision was incorporated in the constitution of 1836, making a four years' residence in Arkansas necessary to be eligible to the office of governor. This, by a few months, cut him off.

Governor Yell always denounced this constitutional bar to his ambition.

He established the first masonic lodge in Arkansas in November, 1835, at Fayetteville—Washington Lodge, No. 1. It was first chartered by the grand lodge of Tennessee, when the Hon. Hugh L. White was warden. Governor Yell was once grand master of the grand lodge of Tennessee, and with the exception of General Jackson was the only grand master ever elected from the floor without filling intermediate stations.

The circumstances leading to this elevation are remarkable, and they furnish an index to the character of the man.

When occasion demanded it, he was always fortified with will and nerves of iron. A bold, bad man, whom most people feared, was once expelled by the Masons for a crime against the domestic relations of a brother. He was ambitious and took advantage of the anti-masonic excitement of the day and run on it as a hobby and was elected to the legislature of Tennessee from Yell's district. He was a candidate for a second term, and the fraternity naturally wanted an opponent in the

field, who would fearlessly defend the right. Yell was a young man then, just rising into prominence as a lawyer, and up to that day had no inclination to engage in politics.

His brothers waited on him and opened up the situation; he yielded against his private interests and at once announced himself as a candidate for the legislature.

To his opponent's tirade against masonry, he replied by saying, that if masonry was the bad institution it was represented, how much worse must the damnable wretch be who was too vile for fellowship in such an organization. This fearless advocacy of right, and bold, defiant denunciation of crime won the hearts of the people, and Yell was triumphantly elected.

Shortly after this the grand lodge convened and he was rewarded as his noble friend General Jackson had previously been, by election from the floor to the office of grand master.

Tradition says that once on the rounds of his large circuit, when sounding the criminal docket, he was informed by the sheriff that the defendant just called (against whom several indictments were pending) had not been arrested because he was a desperado, and a posse could not be found to help arrest him because all men were afraid of him. "Where is he?" asked the resolute judge. "At a saloon here in town," replied the sheriff. "Then summon me and show him to me." The sheriff obeyed the command, and led the way to the saloon where the culprit was holding high carnival. Judge Yell seized him by the throat and shouted with stentorian voice, "God damn you, come into court and answer to your name and to the indictments against you." The culprit, to the astonishment of everybody, cowered into abject submission, and without the slightest resistance followed the judge into court, and in default of bail was immediately sent to jail. The culprit trembled and lost all his valor under the piercing gaze of that resolute eye. The moral effect of that one act in the wilds of Arkansas with the rude frontier population was worth more than the commissions of fifty sheriffs.

Political had much greater charms for him than judicial or professional life. The arts of the designing politician, as stated, cut him off from the opportunity to run for governor in 1836, when the State was admitted into the Union. Hence he entered the race for congress as a Jackson democrat in 1837,

against John Ringgold, the father-in-law of "Fent Noland," and, after an active and exciting canvass, was elected by a majority of one thousand two hundred and seventeen. He declined a re-election, and the democrats nominated and elected that sterling democrat Judge Edward Cross three consecutive terms.

In 1840 the constitutional inhibition being removed, he was easily elected governor.

In 1844 political excitement was at flood tide throughout the United States. The whig convention of that year assembled at Little Rock, and with great unanimity and wisdom nominated one of the ablest and most brilliant men in their ranks for congress in the person of Hon. David Walker—a man of fine talent, great tenacity of purpose and untiring energy in every thing he undertook. Judge Walker was a great, popular leader, and was all the more dangerous because he possessed the entire confidence of all who knew him—whigs and democrats alike.

The democrats afterward elevated him to the supreme bench. This nomination fell like a thunderbolt, and created dismay in democratic ranks.

Soon after the whig convention adjourned the democrats, represented by their ablest leaders, assembled in convention, and after mature deliberation resorted to the extraordinary extremity of asking Governor Yell to resign that he might accept the nomination for congress, on the ground that there was no other man in the party with whom they could reasonably hope to beat the great whig champion.

A great compliment to great men and great leaders, worth infinitely more to their fame than an ordinary election to a seat in congress.

Governor Yell, ever at the service of his party, handed in his resignation and took the field against Judge Walker.

The champions both lived in Fayetteville, justly called "the Athens of Arkansas," they were neighbors and warm personal friends, politically great rivals, but nothing mean, sordid, selfish or little animated either.

The canvass conducted by these leaders is said to have been one of the ablest and most exciting ever conducted in the State.

Judge Walker was dignified, sedate, taciturn, religious and not much given to promiscuous intercourse with his fellow-men. On the frontier, among backwoodsmen, where each felt as large as lord or king, dignity and reserve don't carry elections.

Judge Yell never lost an opportunity to draw the striking contrast between himself and his opponent in this respect.

When on the way to Yellville to fill an appointment they stopped on the wayside at a shooting-match in progress for beef. Judge Walker's conscientious convictions cut him off from either shooting for beef or indulging in a drink.

Yell, after shaking the hand of every man and boy on the ground, bought a chance in the match for beef, and fortuitously made the best shot and won first choice. The crowd yelled and huzzaed for Yell, whilst Judge Walker looked on in calm and cold stoicism and some degree of disgust.

Governor Yell then inquired for the most necessitous widow in the vicinity, and sent his beef to her. Next he sent for a jug of whisky and tipped glasses with the voters. These attainments and achievements filled the estimate of congressional qualifications in the opinion of the sovereign electors.

On another occasion they took in a camp-meeting on Kings river, where Judge Walker thought his superior moral qualifications would come in play greatly to the disadvantage of his adversary, who he thought had no pretensions to qualification in that direction. A man who would shoot for beef (a species of gambling), and take a drink out of a jug on the roadside must necessarily be at great disadvantage on a camp-ground, where religion was altogether in the ascendancy.

But to his great disgust, he soon found Governor Yell leading the old class-leaders in the "amen corner," and singing with musical voice on a key above all others that old hymn "How happy are they who their Savior obey." He was as great a favorite on the camp-ground as at the shooting-match. His consummate knowledge of human nature enabled him to shine with equal splendor in camp or court. He was born to lead men, and it may be truthfully said that he never misled or deceived them. This statement is necessary, lest a wrong presumption might be indulged from the anecdotes herein related.

Judge Walker, in a fit of despair, was heard to say to one of his political friends: "You can't beat such a man as that; he is all things to all men, and all men believe in him; he is as popular with psalm-singers as with those who take their dram and shoot for beef."

Governor Yell was elected, but the defeat of his rival did not dim the lustre which clusters around the name of David Walker.

Judge Walker wrote the inscription on the monument of his successful rival, copied in this sketch.

In 1846 the martial spirit of the nation was fired, resulting in war with Mexico, and Governor Yell resigned his seat in congress to accept the command of the Arkansas troops, consisting of a regiment of cavalry. Captain Albert Pike commanded one squadron of this regiment. Yell was chivalrous to a fault, and utterly fearless.

On the 22d of February, 1847, he gallantly led a squadron of cavalry in a desperate charge at Buena Vista on a body of Mexican lancers numbering five to one. He recklessly spurred his horse and rushed in advance of his command on the serried phalanx of lancers. When he reached the enemy's line he straightened himself up in his saddle and cut right and left with his sword as though he could rout and whip the field himself. But, thus alone, he was cut down before his command reached the enemy's line — was impaled on the enemy's lances.

Some say his bridle rein broke after he gave the command to charge, and that in consequence his horse became unmanageable; others say it was cut after he reached the enemy's lines. The author is inclined to believe the latter version the correct one.

He did not know what fear was; he undertook the accomplishment of every object with unfaltering resolution. When he went to battle he expected to do as much hard fighting as any soldier under his command. In the excitement of the charge the commander was lost in the soldier.

William A. L. Throckmorton, brother to Governor Throckmorton, of Texas, was in the charge, and always claimed to be nearest his commander when he was cut down, and that he avenged the death of his commander by killing the lancer who had run him through.

Mr. Throckmorton returned to Fayetteville, and lived there many years after the war. He was as brave as any knight who ever met an enemy on the field.

After the war was over the government brought his remains and delivered them to his friends at Fayetteville, who deposited them beneath the commemorating shaft which speaks his fame, civic and heroic, from the pen of his noble and generous rival.

His remains were deposited in Evergreen cemetery on the 3d day of August, 1847, with masonic and military honors. A vast concourse of people from the hills and valleys of Arkansas swelled the mournful throng to pay the last tribute of respect to their friend and neighbor, the just judge, the soldier and the statesman, who gave his services and his life to his country.

The author is indebted to Hon. Alfred M. Wilson, and to James H. Van Hoose, grand high priest—honored and old citizens of Fayetteville, for much of the information embodied in this biographical sketch.

JUDGE EDWARD CROSS.

This venerable old Roman was born in Virginia on the 11th of November, 1798, of Welsh extraction from both ancestral lines. His grandfather, Edward Cross, being a cripple, was unable to enter the military service of the colonies in the war of the revolution, but he sent his son Robert, the father of the subject of this sketch.

When the child was six months old, his father moved to Cumberland county, Kentucky, where he was carefully reared and educated. At the age of twenty-one, Judge Cross moved to Overton county, Tennessee, and there read law two years under the celebrated Adam Huntsman, the political opponent of Davy Crockett, and finally his successful competitor for a seat in congress.

In 1822 he opened a law office in the town of Monroe, Overton county, Tennessee, and practised there three years, being a hard student, all the time laying deep the foundations which supported his fame in after years. But he was born on the border, reared in her wild and restless lap, and loved the forests and streams and wild-wood glens of simple, unadorned

nature more than all the allurements and enchanting scenes of refined civilization; and this hereditary spirit led him in 1826 to seek its indulgence in the wilds of the territory of Arkansas. He towers amongst us the representative of two past generations and of the last century, like a solitary oak reft of its branches — in the broadest sense a grand old man of whom General Albert Pike says in his autobiography, “a man whom Arkansas ought to delight in honoring;” a well-earned and deserved compliment from a truly great man, worth more than all the plaudits of unthinking thousands. He began the practice of law in Washington, Hempstead county, in copartnership with the late Chief Justice Daniel Ringo. In 1828 he was on the staff of Governor George Izard, and actively aided in organizing the militia of the territory. In 1832 President Jackson commissioned him as one of the justices of the superior court of the territory, and the commission was afterward renewed by President Van Buren. He continued to fill this office until Arkansas was admitted into the Union, June 16, 1836, and the office became vacant, extinct. In 1836 he was appointed surveyor-general of the public lands and held the office two years. In 1838 he was elected to congress and served the State in that capacity for three consecutive terms. In 1852 he was by Governor Drew appointed special judge of the supreme court of the State. He took an active part in organizing the Iron Mountain railroad and was its president from 1855 to 1862. In 1852 he was chosen a member of the electoral college and voted for Franklin Pierce. He was a member of the national democratic convention held at Baltimore in 1844, and in that convention disregarded the instructions of his constituents to vote for Martin Van Buren, because after being so instructed, Van Buren addressed the celebrated letter to Silas Wright, declaring himself opposed to the annexation of Texas. Polk was nominated, and the judge's constituency approved his action in the convention. He was brother-in-law to Chester Ashley who died while serving Arkansas as a senator in congress; they married sisters. His good morals and integrity are of the highest type, and the old patriarch is universally esteemed.

Since the above was written he died (May, 1887) at Little Rock.

JUDGE WILLIAM TRIMBLE.

Judge Trimble was born in Kentucky about 1797. In 1825 he was commissioned as one of the territorial judges for Arkansas by John Quincy Adams. He was well educated and gifted with charming conversational powers; was a good lawyer, an upright judge, and an ornament to the government he served. In 1831 he was elected to the territorial house of representatives from Hempstead county, and was by that body elected speaker of the house.

HON. CHESTER ASHLEY.

Colonel Chester Ashley was born in Amherst, Massachusetts, June 1, 1791. His parents moved to Hudson city, New York, when he was an infant, and here he grew up to man's estate. He acquired a classical education and was graduated from Williams College in 1813. From college he went into the law office of Elisha Williams, and was there qualified to enter the law school at Litchfield, Connecticut, then the only law school in the United States. Here he laid the solid foundations of his fame in after life.

Early in 1818 he moved to Illinois, where he remained near two years in the practice of his profession. In 1819 he changed his location to the territory of Missouri. Here he came in contact with the celebrated William Russell, the greatest land speculator in the western country, who recognized the abilities of the young lawyer, who argued and gained an important land suit for his adversary.

Russell had very large landed interests in the territory of Arkansas and elsewhere, and wanted that interest represented and protected by the best talent he could command. This led to the relation of client and attorney between him and Colonel Ashley, and to the latter's removal to Little Rock in 1820.

He was soon engaged in most of the important land litigation in the territory, and was, by common consent, acknowledged to be the ablest lawyer in the jurisdiction; and this at a period when Arkansas was represented by an able bar.

Robert Crittenden came in 1819 as secretary of the territory by appointment from President Monroe. He was the younger

brother of John J. Crittenden, was a brilliant orator and intensely ambitious. Mutual admiration and professional interests soon united these young men in the business relation of law partners.

But this relation was destined to be of short duration. Crittenden soon became absorbed in the exciting politics of the day, and nursed his ambition for office with an idolatry that admitted of little restraint within the limits of perfect probity; beyond that his lofty nature and daring soul never enticed him. Ashley had the same lofty ambition, but he held it in perfect subjection at this stage of his career. He was methodical, laborious and patient in the minutest detail of every undertaking. Necessity had taught him her inexorable laws, her imperious restraint; and prudence and wisdom had placed their seal on his nature and made him perfect master of his passions. In the beginning he subordinated his inclination for office, that his talents might be employed in the acquisition of pecuniary resources necessary to support the flight marked out by his ambition. Crittenden cared nothing for wealth and underestimated its efficiency as a factor in promoting his ambition. Talent leading to and expanding in such opposite directions was too frail a bond of union to continue this business relation long. Crittenden became an ardent, impulsive whig; Ashley a cool, patient, wary, self-possessed democrat. Crittenden was led by the fiery eloquence and impetuosity of his own dauntless nature; Ashley by the greater brain power and the cool precision of mathematical calculation from which nothing ever impelled him to deviate.

The distinguishing traits in the character of the two men are powerful factors in their respective spheres, but the ends they promote are widely different; the one flashes like a meteoric apparition and is seen no more; the other leisurely ascends to the meridian and burns with the fixed steadiness of the sun. They parted as great leaders of powerful political parties to be friends no more on earth. Had Crittenden lived longer, time might have healed the breach, but he died suddenly, in 1834, before the debris of the political cyclone which swept Arkansas had been cleared away. Crittenden as an orator had few equals and no superiors, and as a genius was superior to his

great brother, John J. Crittenden, so long eminent in the councils of the nation.

William Russell, the generous and powerful client of Colonel Ashley, was the father-in-law of Thomas H. Allen, who married his only child, to whom he left his immense landed fortune, which made it possible for his son-in-law to become the owner of a great corporation like the St. Louis and Iron Mountain railway. Thomas H. Allen was a young, moneyless graduate of Yale, who went from his native New England to St. Louis a decade after Colonel Ashley did, and there found employment in the office of Mr. Russell as the manager of his great landed and other interests.

Russell soon discovered his great business capacity and executive ability, and without ceremony said to him: "Allen, I know your worth and ability perhaps much better than you do. I want my daughter to marry such a man; she is educated and accomplished with all the graces that money can impart. But I am now consulting considerations infinitely superior to bank accounts. If you should, after mature consideration, feel so inclined, you can address her and I will favor your suit. If you should succeed, it may be more satisfactory to you to know you are managing your own inheritance."

The accomplished bride found in her husband a rich dowry of brains and a father's happiness in his declining years.

Russell himself was a great man, and in any other than a field of ledger balances would have become distinguished. His sagacity in discovering and measuring men's capacity was equal to that of Bonaparte's in recognizing military genius. The career of the two young men he singled out in St. Louis confirms this conclusion.

On the 4th of July, 1821 at St. Genevieve, Missouri, Colonel Ashley married Mary W. W. Elliott, the daughter of Benjamin Elliott, a descendant of the old apostle, John Elliott of New England, but of the Virginia branch of that old colonial family which sent many sons to the battle fields of the revolution. She was possessed of great, good practical sense, and adorned with equal grace the unpretentious cabin of the pioneer and the stately mansion of the senator.

That grand old man Judge Edward Cross, whose life is a

part of the better history of Arkansas, married Laura Francis, the younger sister of Mrs. Ashley. These honored matrons in our early history were cousins to General Stephen F. Austin, the colonizer of Texas, whose name and fame will live as long as the literature which preserves our language. They bore the same relation to the wife of General Grandison D. Royston and to the wife of that very distinguished Kentuckian, Governor John Pope, who was the rival of Henry Clay and a genius of the highest order of talent.

Colonel Ashley was possessed of great moral and physical courage, but there was nothing more abhorrent to his nature than the dueling code and the bloody conflicts which characterized and shadowed the early history of Arkansas. Between him and that old Nestor of the Arkansas press, Colonel William E. Woodruff, there existed from their first meeting in 1820 to Colonel Ashley's death in 1848, the warmest personal friendship and the most intimate relations. This statement is prefatory to the relation of one of those unfortunate tragedies which sometimes cross and darken the pathway of the greatest and best of mankind, and for which they can in nowise be held legally or morally responsible.

In 1828 a desperado named John Garrett conceived great animosity to Colonel Ashley without just cause or provocation, and publicly announced on the street that he intended to kill him on sight. He took up a position on the street corner overlooking Colonel Ashley's residence and maintained it two or three days awaiting the exit of his intended victim.

Colonel Ashley, to avoid collision with such a character and the inevitable necessity to shed the blood of a fellow mortal, kept his house until the third day, when, as he supposed, the desperado had retired. Laboring under this impression he crossed over to the *Gazette* office. But Garrett observed the movement and followed in hot pursuit, pistol in hand, unobserved by his intended victim. In the overt act of executing his threat, he forced the door of the *Gazette* office and entered, but Colonel Woodruff observed him in time to grapple him before he could execute his threat. He fired at Colonel Ashley and missed him, was himself shot and died in a few hours, but the question as to who shot him has always been a disputed one.

Woodruff and Ashley sustained and ennobled the relation of Damon and Pythias for twenty-eight years. During that long transition period when Arkansas was struggling and gradually rising up out of the baneful influences which shadowed her early history and wrote many of its pages in blood, these two men, with many other noble coadjutors, struggled with Spartan firmness to advance the highest interests of the people. In that great labor they became historic characters, and their fame is the State's heritage. Will the generous and noble Arkansas of to-day, who owes so much to these, her sons, build a monument to them worthy of their achievements for her civilization and fame? Their names ought to be written on the dome of her Pantheon. Poor indeed must be the State, which, to save a few dollars, will deny an appropriation to honor the sons who made her great. It would cost but little to place a statue of each of these men in the capitol grounds.

Will some patriotic citizen in the halls of legislation take the initiative? Colonel Ashley was a skillful gladiator in the forensic arena. Often when his adversary thought he had him crippled beyond recovery he would, with the greatest facility, seize on some unguarded point and drive him to dismay and defeat. His intellect was of massive and well-balanced proportions, and it shone with equal splendor in the social circle, the council, the forum or the senate. There was no aristocratic hauteur about him, but there was a lofty bearing and dignity which commanded respect in every presence. When his mind was lighted up in discussion his countenance became radiant with conscious power, and his auditory was carried along with the genius of his inspiration. If for nothing else, let us kneel at the shrine of our country's greatness and renew our fealty to institutions which prohibit the creation of privileged orders and an artificial aristocracy to deny man the fruits and precedence of his genius and the splendor of his inheritance from God. And may we never forget to venerate the only government on earth that reaches out its fostering hand to an humble freehold in New England for a Webster; to an Irish cottage in South Carolina for a Jackson; to a cobbler's bench for a Wilson; to a tailor's shop for a Johnson; to an emigrant ship for a Benjamin; to the glaciers of Switzerland for a Gallatin, and to the

tropical isles of the sea for a Hamilton ; that their brains might be wrought with their own genius into the service and framework of the government.

The first hero killed in the revolution was shot down on his way to Concord by the British. In his dying agonies he prophetically exclaimed, "I had a right to go to Concord." The spirit of this first sacrifice has paralyzed the arm of tyranny in every region inhabited by civilized man and has changed the history of the world, and next to the Nazarene, has blest man most. Oh, may God in infinite mercy for His children forever preserve "the patriotic tide" that opened up at Concord and Lexington, and sealed at Yorktown such grand possibilities to mankind.

From the spirit and genius of such institutions spring and rise "Phoenix like" from the ranks of the people such men as Ashley to make, and bless and glorify a nation's greatness. Colonel Ashley was the acknowledged head of the bar as long as he remained in active practice. He was always an active democratic politician but he never left the ranks to seek or accept office until he had accomplished all his professional ambition had marked out in early life, and then he sprang from the ranks, like Minerva from the brain of Jove, into the senate of the United States, without filling any intermediate station. Few men have ever so long held the reins of party in hand whilst serving in the ranks. None but a great genius can do it. The active opposition always held him responsible for the acts of the democratic party. He was the power behind the throne that directed all of its movements. In the twenty-five years preceding the close of his professional career, in 1844, he had achieved fortune and fame. His fame crossed the boundaries of his adopted State and echoed, not only throughout his native New England, where his name with that of many other of her pilgrim sons is blessed, but it compassed the United States.

To the great political contest of 1844 he devoted his masterly energies in the field as a democratic elector for the State at large and canvassed the entire State. The whig party matched him with Alfred W. Arrington, who was not inferior as an orator to any man known to our history. But Arrington did

not follow him long. He quit the canvass and left the State, assigning as a reason for it that Colonel Ashley's masterly discussion and unanswerable argument on the tariff issue convinced him that the whig party was wrong. This was the tribute of genius to transcendent talent under very extraordinary circumstances. And it was not the only compliment paid to his abilities by great opponents under similar circumstances. After Arrington abandoned the contest the whig party was sorely pressed for men to meet him on the stump.

John W. Cocke, a brilliant whig lawyer, met him at Little Rock, and perhaps a few other places, but soon abandoned the contest and left Colonel Ashley again alone in the field. One of the ripest lawyers in the State (then a very young man), rode twenty-five miles to hear the discussion at Little Rock. He described it to the author as "the battle of the giants," and as forever settling his convictions on the tariff issues in consonance with democratic teachings.

The courtly and celebrated Charles Fenton Mercer, of Virginia, a great popular orator, and long a member of congress from a whig district in his State, passed through Arkansas in 1844 on a trip to Texas. He arrived at Washington, in Hempstead county, a few days, or perhaps only one day, before Colonel Ashley spoke there. At the earnest solicitation of his whig friends he remained to reply to the great private citizen, not believing he would come up to the standard local fame had accorded the backwoodsman of Arkansas. Mercer listened to the fluent speech and cogent reasoning of the great elector with profound attention, and when he came to reply, generously and nobly said to the vast auditory: "I have met able men in congress from Arkansas, but none of the distinguished ability of your fellow-citizen, Colonel Ashley. I am astonished that a gentleman of such commanding abilities is not in the councils of the nation."

The Hon. Jesse Turner, who was an active uncompromising whig in those days, and a "sincere mourner at the grave of his party," says "Colonel Ashley was a man of great ability."

The amiable and estimable Fulton died in August, 1844, leaving two years of his senatorial term unexpired. All eyes were turned to Colonel Ashley as his successor, and when the

legislature met in November of that year he was elected without organized opposition, and almost unanimously. He took his seat in March, 1845, with the incoming administration of President Polk. That able lawyer and accomplished scholar, George M. Dallas, vice-president of the United States, in organizing the committees of the senate, placed the new senator from Arkansas at the head of the judiciary committee. No higher position could have been assigned him.

Ambrose H. Sevier, a name forever honored in the history of Arkansas, had then been in the senate eleven years, and was chairman of the committee on foreign relations, a position equal to that of his distinguished colleague. This certainly was one of the proudest eras Arkansas has ever had in the councils of the nation. The severest trial to which a senator is ever subjected is generally found in the embarrassment which attends his first address to the senate. We have two witnesses to this ordeal which our senator passed early in the first session of the twenty-ninth congress (1845).

The celebrated George McDuffie of South Carolina was one of the auditors. He was then in the zenith and greatness of his wonderful career, and to those who may not be acquainted with his history, a short digression to outline it will be pardoned. He was born in humble obscurity in eastern Georgia, with massive brain and great possibilities, and was the only one of his family ever known to rise above obscure mediocrity. When verging on manhood he was fortuitously brought to the notice of John C. Calhoun, who at once predicted a great future if his resources were cultivated. He became the *protege* of the favored son of South Carolina, who sent him to school and graduated him at Columbia College in the Palmetto State. Soon after this he was admitted to the bar. His advent on the legal horizon was that of a star of the first magnitude. His fame soon filled the State and he was toasted as "the pride of South Carolina."

This State soon honored herself no less than him by delegating him to the national councils. His fame preceded him to the halls of congress. It excited the disdain and contempt of that long dreaded churl and tyrant of the house, John Randolph, who had so long with lordly mien and iron rod ruled the house. Not long after he was sworn in, Randolph, with concentrated

irony and withering sarcasm, undertook to whip in "the pride of South Carolina," and teach him humility and submission. As usual, Randolph was the aggressor. He had vanquished scores before, and why not the *protégé* of Calhoun. His obscure origin had no claims on fame that might not be dashed to pieces by one thrust from Randolph's lance. Those who did not know McDuffie did not think he would reply. But in the fearless pride and dauntless courage of a great intellect, he took the floor with perfect composure. Webster, Benton, Calhoun, Crittenden and many others left their seats in the senate and went to the house to witness "the battle of the giants." The world has rarely witnessed such an auditory. Certainly no young man like McDuffie had ever before in the world's history commanded such an intellectual audience, unless, perhaps, young Earl Gray on the trial of Warren Hastings before the house of lords. Men, whose renown will be handed down as long as our history is preserved, paid willing tribute to his genius and his glory. Before the assembled talent of the nation, McDuffie stood the majestic personification of intellectual greatness with the patent and signet of the Creator on his brow.

As he glanced around over the parliament before him, some one cried out from the gallery: "Lay on McDuff, and damned be he who first cries, hold, enough." The effect of this sally from the gallery was electrical, but it fell like a pall of death on Randolph, who, from the noble defiance of his young adversary, felt that a cyclone was coming. Cicero's denunciation of Cataline in the Roman senate was not more terrible than the classic fire and polished phillipic which drove Randolph from the house in dismay to escape it. The old Virginia lion was bearded by "the pride of South Carolina" in his lair where he had lorded it so long. The press of two hemispheres heralded it to the world, and the world was glad.

McDuffie was one of those brilliant creations whose talents startle and dazzle the world. His morals were as pure and exalted as his genius. He greatly admired Ashley.

The venerable Judge Cross, who was a member of the twenty-sixth, twenty-seventh and twenty-eighth congresses, was the other witness to Colonel Ashley's maiden effort in the senate. He "messed" with the South Carolina delegation

which included Calhoun, Woodson, Burt (who married the niece of Calhoun), McDuffie and others.

The new senator first addressed the senate on the bill for the annexation of Texas. Judge Cross with many others left the house and went over to the senate chamber to hear him. Here let the venerable and honored old gentleman speak for himself: "I knew he possessed great abilities, and for that reason wanted to hear him. I went to the senate chamber just after Colonel Ashley obtained the floor. To my astonishment he was greatly embarrassed, but I thought that would wear away in a few moments, but he commenced choking up, and I thought was going to end in inevitable failure, and I left the senate chamber suffering intense mortification. Distress and a sense of oppression followed me all day. No member of my 'mess' knew that Colonel Ashley was my brother-in-law. That evening at tea McDuffie was in fine spirits; he turned to me and asked: 'Did you hear your new senator, to-day?' Fearing a new installment of mortification, I replied, no, and he said: 'Then you have been unfortunate. You have lost a great opportunity for intellectual enjoyment; he made the best speech yet delivered in the senate on the bill for the annexation of Texas; he presented new and original ideas with wonderful power.'"

Colonel Ashley's embarrassment wore away as he advanced with his great subject, and his face lighted up with a halo which nothing can inspire and sustain but mental power.

A greater theme than the annexation of a kindred empire could scarcely engage the attention of a statesman. The matchless reasoning of the profound lawyer was then tributary and subsidiary to the higher compass of the statesman's comprehensive grasp. In 1846 there was strongly organized opposition to his re-election to the senate, which involved a protracted and exciting contest. Hon. Robert W. Johnson, afterward a senator in congress from Arkansas, said of that contest: "For his success in that instance he was not less indebted to his own strong will, his habits of industry, his energy and admitted ability, than to the ardent devotion of friends." Colonel Ashley continued chairman of the judiciary committee until his death, which occurred on the 29th of April,

1848, at his hotel in Washington city, in the bosom of his devoted family. Mr. White, of New York, and Robert W. Johnson, of Arkansas, pronounced eloquent funeral orations in the house. Solon Borland, the successor of Sevier, and Sidney Breese, of Illinois, performed the same office in the senate. In the oration of Judge Breese there is a simple, yet pathetic and sublime passage which seizes on the heart and inspires a sense of profound obligation and love for the government made by our fathers.

In 1818, "in the then far off wilderness of the west," Colonel Ashley and Judge Sidney Breese, then a law student, met in an obscure village in central Illinois. Both had come pilgrims from the east to seek and make fame and fortune in the rising west. Each was poor in this world's goods, but rich in that noble pride which leads man to the highest heritage to which his fellow man can elevate him. Nature had given both the same titular guides and had formed them on the same grand model. A good brain and noble ambition was the common blessing of both. Under these circumstances the young men met in the wilderness and formed a very close attachment; but the ever-changing vicissitudes of this life soon separated them for twenty-seven years. The next meeting of the poor boys of 1818 was in March, 1845, on the floor of the senate as councillors of the greatest nation since the twelve Cæsars made Rome mistress of the east. Sidney Breese, the student, had ripened into jurist and statesman. As a jurist he has left an inheritance to Illinois which will survive the vicissitudes of ordinary fame. His attainments as a jurist for twenty years were wrought into the foundations of her jurisprudence. Hon. Alexander H. Stephens, of Georgia, in a letter addressed to Hon. A. H. Garland on the 15th of March, 1880, says: "I remember Senator Ashley from Arkansas well. He came into the senate in 1844, the year after I entered the house. He was a man of fine personal appearance. He was an able lawyer and soon took high position in that body, and was placed at the head of the judiciary committee. His oratory, while not of the highest order, was very persuasive and convincing. He was eminently a business man. Socially, he shone to great advantage. He was usually one of the leading spirits of the dinner

table; being fond of fun and humor, he indulged his taste in this line by enlivening all at his own, or a friend's table, by anecdotes which caused the greatest roars of laughter. His colleague, Hon. Ambrose H. Sevier, and he made a noble pair. They differed in many things. Sevier was chairman of the committee on Indian affairs, but both were sterling statesmen. Their difference in pronunciation was very marked, especially in the pronunciation of the State they represented. Ashley for instance called it Arkansās, while Sevier called it Arkansāw. This was so marked that Mr. Vice-President Dallas in his great suavity of manner, and not wishing to decide this difficult question between them, always recognized Mr. Ashley as the senator from Arkansās, while he recognized Mr. Sevier as the senator from Arkansāw."

The Rev. J. W. Moore (father of our honored citizen, C. B. Moore of Little Rock), distinguished for his piety and learning, came to Arkansas at an early period in her territorial pupillage. He knew Colonel Ashley intimately in his social, domestic and public relations for a quarter of a century, and has left on record his deliberate judgment as to the character of the man. "He was no common man. The god of nature lavished on him a profusion of gifts. To a personal appearance peculiarly dignified and commanding was superadded an intellect of the very highest order, capable of vast comprehensions, and the most minute and accurate analysis, trained by a thorough course of classical and legal study, to which may be added manners the most gentle, and conversational powers the most fascinating. It was not left optional with such a man as to whether he would become a popular leader or not. It could not be otherwise. During the long period of our intimate acquaintance I never heard from him a harsh word, or saw him with ruffled temper." If one great trait was more conspicuous in his nature than all others it was found in the hallowed endearments of the domestic relations, where it shone with a devotion rarely equaled, never surpassed.

GOVERNOR GEORGE IZARD.

BY C. B. MOORE.

[NOTE.—The following sketch appeared in the *Little Rock Gazette* of March 22, 1886. It is from the pen of my friend C. B. Moore, with whose permission it is here reproduced.]

GEN. GEORGE IZARD.

To the Editor of the Gazette:

I noticed a few days since an editorial paragraph in the *Gazette* asking for information "about the life and death of General Izard," formerly governor of Arkansas territory. Every thing relating to the early days of Arkansas possess a peculiar interest to me, and I have been at some pains to collect such facts as are at all accessible in answer to your request.

The first governor of the territory was General James Miller, who was known by the soubriquet of "I'll try, sir"—also as the hero of Lundy's Lane—a distinction acquired by his gallant conduct at the battle of Lundy's Lane during the war of 1812. He was appointed governor in 1819, and resigned his office about the beginning of 1825. He was succeeded by General George Izard, of South Carolina, who was appointed governor March 4, 1825, and held the position until his death, in 1828. I incline to the opinion that he was of the family, and possibly the son of Ralph Izard, a distinguished citizen of South Carolina, United States senator from that State, and perhaps at one time minister to the court of St. James. This, however, is mere conjecture, based principally on the fact that one of the sons of Governor Izard, who visited Little Rock after his father's death, was named Ralph, which fact I learn from Mrs. Woodruff, the venerable and honored relict of our esteemed fellow citizen, Wm. E. Woodruff, late deceased.

Governor Izard lived and died in the house corner of Second and Spring streets, now and long occupied as the family residence of S. H. Tucker, Esq. His last official act, as shown by the records in the office of the secretary of State, was the approval of certain bills passed by the territorial legislature October 22, 1828, just one month before his death. He was buried in the old cemetery where the Peabody school is now located.

In 1843-4, when the dead were removed to Mount Holly, Colonel Chester Ashley had the remains of Governor Izard re-interred in his own family lot in the new cemetery, where they now repose, marked by a plain, substantial tablet, which bears the following inscription:

Here lie
the remains of
GEORGE IZARD
of South Carolina,
Formerly major-general United States army,
late governor of Arkansas territory,
who died November 22, 1828,
aged 53 years.

In the New American Cyclopaedia is found the following brief notice of this distinguished man:

“George Izard, an American general, was born in South Carolina in 1777, died at Little Rock, Arkansas, November 22, 1828. He received a classical education, and, after a tour in Europe, was appointed in 1794 a lieutenant in the regiment of artillery and engineer in the United States army. In 1803, being then a captain of artillery, he resigned his commission. Upon the breaking out of the war of 1812 with Great Britain he was appointed colonel of the Second Artillery, and was successively promoted to brigadier and major-general. At one period of the war he held the chief command on the north-west frontier. His corps was disbanded in 1815, and in 1825 he became governor of Arkansas territory, in which office he died.”

I close this sketch with the following extracts from the diary or “reminiscences” of my father, the late Rev. J. W. Moore, who settled in Little Rock in January, 1828.

“Upon the resignation of Governor Miller, General Izard was appointed his successor. He was major-general in the late war with Great Britain, and at one time had the command of all the American forces on the Canadian frontier. No officer in that war had a more thorough military training. In early life he had been sent to England and France, in both of which countries he spent years in the tactics of war. After his return he connected himself with the army, and in consideration of his

military science and correct deportment, was elected to the highest grade of office. His personal appearance was remarkably fine. He was near six feet in height, erect and finely proportioned. His physiognomy was intellectual and his eye expressive. In his manners he generally evinced a consciousness of his commanding station, and yet he was affable and very agreeable. He was a profound and general scholar. His library was voluminous, composed of learned works in the Latin, Spanish and French languages. He did not live many months after my arrival at Little Rock. A considerable time before his last illness he had his grave dug and walled with brick, and, I believe, had a coffin prepared. He had seven razors, named for the days of the week, and each engraved with its name on it. I never knew much respecting his religious belief, but am inclined to believe that he had no doubts of the general truths of Christianity, though not a member of any church. He came to hear me preach when his health permitted, and showed marked respect for the Gospel. Two of his sons came on after his death to look after his effects. His fine library was boxed up, and in transit eastward was lost by the sinking of a steanboat."

JAMES WOODSON BATES.

BY HON. JESSE TURNER.

Judge Bates was born in Goochland county, Virginia, about 1788. His collegiate attainments were acquired at Yale and Princeton, in the latter of which he graduated about 1810.

About this time Tarlton Bates, an elder brother, of great promise, then practising law at Pittsburg, Pennsylvania, was killed in a duel with one Stewart, a rival lawyer. Judge Breckenridge, in his "Recollections of the West," speaks in unqualified terms of commendation of Tarlton Bates.

When quite young Judge Bates attended the trial of Aaron Burr at Richmond, for treason. He has often spoken to the writer of the prominent actors in that celebrated trial, of Generals Jackson and Wilkinson, and particularly of the very pompous manner of the latter when on the witness stand.

Soon after leaving college young Bates commenced the study of law, but under what auspices is not known to the writer.

In the mean time Frederick Bates, his brother, was appointed secretary of the territory of Missouri, and was acting governor in the absence of Governor Clark. The west then, as now, was an inviting field for young lawyers, and James followed his brother to Missouri, and settled in St. Louis about 1816.

Soon after the organization of the territory of Arkansas, in 1820, he removed to the Post of Arkansas, the temporary seat of the government, and then commenced the practice of his profession.

His office was scarcely opened for the reception of clients before he was elected our first territorial delegate to congress. His opponent in this election was the celebrated Matthew Lyon, who, after an eventful career in the east, removed to Kentucky, thence to Arkansas. He settled at Spadra Bluff on the Arkansas river, where he was engaged in some government employment, I believe. The election was closely contested. Bates received the certificate of election, and Lyon declared his intention to contest his seat, but died before he could execute his design.

[NOTE.— Matthew Lyon was an educated, brilliant Irishman, born in 1746. He emigrated to America when quite young, and settled in Vermont among the Green Mountain boys, with whom he became very popular. He was a member of congress from Vermont in 1801, when the election of president and vice-president devolved on the house of representatives, voting by States. The choice was between Jefferson and Burr, the two highest candidates in the electoral college, from which each had received an equal number of votes, seventy-three, Adams receiving sixty-five, and Pinckney, sixty-four. Jefferson was the popular choice, but the federal party, favoring centralization, was then strong in congress, and they made an effort to defeat the will of the people, by concentrating their strength on Burr. Burr's strength and that of the federalists who supported him lay chiefly in the New England States, and Vermont instructed her representatives in congress to cast the vote of the State for Burr. The balloting commenced on the 11th of February, 1801, and continued until the thirty-sixth ballot was reached on the 17th of February. On this ballot Matthew Lyon went over to the Jefferson party, and by his disaffection carried Vermont for Jefferson, and materially aided in securing his election. For this he was denounced and ostracised in Vermont, and for this reason he moved to Kentucky about 1803.

During the war of 1812, Lyon obtained very large contracts from the government to supply the army. The treaty of Ghent found him in possession of a large quantity of supplies purchased at war prices, which the government, although in honor bound, refused to take. This disaster reduced Lyon to financial ruin.

He moved to Arkansas about 1818, and located at Spadra on the Arkansas river, where on the 1st of August, 1822, he died in the seventy-sixth year of his age, a very poor, but intellectual and able man. His son inherited and supplemented his father's talents, and was a representative in congress from Kentucky.—THE AUTHOR.]

In 1823 he was a candidate for re-election, but was defeated by the celebrated Henry W. Conway, an able man, who commanded not only the influence of his own powerful family, but that of the Rectors, the Johnsons, Roanes and Ambrose H. Sevier, and all the political adherents of General Jackson, then so popular in the south and west. The influence and strength of this combined opposition could not be overcome.

After his short congressional career closed he moved to the newly settled town of Batesville and resumed the practice of his profession. Batesville was named after him. In November, 1825, President Adams appointed him one of the territorial judges, in virtue of which he was one of the judges of the superior or appellate court organized on the plan of the old English court in banc, and all our territorial appellate courts are organized on the same plan. On the accession of General Jackson to the presidency, his commission expired without renewal, and he soon after removed to Crawford county, married a wealthy widow and became stationary on a rich farm near Van Buren. In the fall of 1835 he was elected to the constitutional convention, and contributed his ability and learning in the formation of our first organic law as a State. Soon after the accession of John Tyler to the presidency, he appointed Judge Bates register of the land office at Clarksville in recognition of an old friend. He discharged every public trust and all the duties devolved on him as a private citizen with the utmost fidelity. Strange to say, whilst he possessed the most fascinating conversational powers, he was a failure as a public speaker.

Edward Bates, Mr. Lincoln's attorney-general, was unquestionably a great orator, but was not the equal of his brother James in that fascinating polish which indicates high and magnetic finish.

He was well versed in the classics and with the best authors of English and American literature. He died at his home in Crawford county in 1846, universally esteemed.

AMBROSE H. SEVIER.

Ambrose H., the son of Valentine Sevier and Ann Conway, was born in Greene county, Tennessee, on the 4th of November,

1801. His mother was the daughter of Thomas Conway and the celebrated Ann Rector, celebrated for being the noble mother of more distinguished sons than any other matron in American annals. She was sister to our two governors, James Sevier Conway and Elias Nelson Conway, and the four other distinguished brothers mentioned in the history of the Conway family in this volume.

In tracing and following up the ancestral roots of this noble family in the paternal line, we are led to an ancient town in the French Pyrenees, Xavier, taking its name after the family in the remote shadows of the past. Xavier was Anglicized into Sevier after the American branch of the family expatriated themselves. This ancient seat of feudal lords and heraldry was the home of St. Francis Xavier, who, for eminent virtue and exalted piety, was after death canonized by papal fiat and enrolled in the roster of the saints. The mother's ancestral line has a brilliant history, too, in two hemispheres. In following up its historic renown, we are led down the tide of the centuries to the reign of the first Edward and to the noble house of Conway in the north of Wales, in which we find generals and statesmen high in the service of their country in both hemispheres. Her uncle, George Conway, was the first major-general elected by the legislature of Tennessee; he was succeeded by General Jackson. But it is more particularly with the paternal line we are now dealing.

After the revolt in central Europe against the abuses of papal power, the Xaviers joined the Protestant standard and shared in its glories and in its bitter persecution. After the revocation of the edict of Nantes the prominent leaders fled and found asylum in London, where the name became Anglicized into Sevier.

Huguenot blood, nursed and absorbed in its Saxon crosses in America, has given us able men in both field and senate.

About 1740 three Sevier brothers crossed over from London and settled in the rich Shenandoah valley. One of these brothers tarried a short time in Baltimore, and there married a belle who bore him three celebrated sons, John, Valentine and Robert Sevier. John was governor of the State of Franklin during its short and memorable existence; he took his seat in



HON. AMBROSE H. SEVIER.

congress in 1790, and became the first member of that body from the great Mississippi valley, and in 1796 he became the first governor of Tennessee, and was elected *six times* to that great office. Valentine became a colonel, and Robert a captain in the revolution, and frontier wars, and John a general as well as governor, but of this we will say more presently.

These pioneer settlers in the Shenandoah valley were not strangers to the sword; all of them were in the regiment commanded by Washington in the French and Indian wars before the revolution, under Lord Dunmore, the last of Virginia's royal governors nominated by the crown; and two of the three were officers in the revolution. They belonged to a line which gave to freedom a dauntless race of soldiers and republican statesmen. Colonel Valentine Sevier was the father of John Sevier, Jr., who was the father of Ambrose H. Sevier, our subject.

All of these brothers, John, Valentine and Robert, with four more of their kindred of the same name were in the great battle of King's Mountain, where Ferguson's entire army was annihilated, after one of the most obstinate conflicts ever fought in this or any other age. Here, on the 7th of October, 1780, the tide of fortune and Lord Cornwallis' line were turned. Valentine (the grandfather of Ambrose) and Robert, commanded companies in the regiment commanded by their brother, then Colonel John Sevier.

Robert fell mortally wounded in this battle at the head of his charging columns, and he fills a soldier's and a patriot's grave on "fame's eternal camping ground."

The legislature of North Carolina in January, 1781, unanimously voted a resolution of thanks and sword and pistols to each — Colonels Sevier and Shelby — for their conspicuous gallantry at King's Mountain, and the sword voted to the former now belongs to the State of Tennessee, and is sacredly preserved in the cabinet of her heraldry to attest the renown and chivalry of her sons.

Shelby became the first governor of Kentucky, Sevier the first of Tennessee. Governor Sevier and his two brothers immigrated from Virginia in 1773, and settled at the first settlement in Tennessee known as Watauga on the Watauga river, planted in 1769, by one of the most celebrated pioneers in

American history, General James Robertson, one of the ancestors of our honored Chief Justice, Stirling R. Cockrill. He was also founder of the Cumberland settlements of which Nashville was the first and center. In this connection the author calls attention to the slight discrepancy between this statement and that given in the history of the Conway family as to the time and occasion attending the advent of the Seviers in Tennessee. For the statement in that chapter, the author is indebted to Governor Elias N. Conway; for those in this, he is indebted to Ramsey's History of Tennessee, based on *official* sources which cannot be doubted. The Seviers were all famous in the Indian wars. Governor Sevier has had no superior as an Indian fighter on the continent. He and his brother Valentine fought an hundred battles and performed prodigies of valor. Their influence for good in the advance guard of civilization in which they lived, cannot be overestimated.

About 1792 Colonel Valentine Sevier moved west to the Cumberland settlements and built a station near the present town of Clarksville, Montgomery county, Tennessee. There, on the 11th November, 1794, at an unguarded moment, the station was captured by Indians and his son Joseph was killed, and his daughter, Rebecca, was scalped by the savages, but the colonel held the enemy at bay for two hours, and was finally relieved by reinforcements. In a letter written by him to his brother, Governor Sevier, he says:

“Such a scene no man ever saw; nothing but screams and roaring of guns, and no man to assist me; the Indians were in every house before discovered. All the men were out but Smidt and me. They killed him, his wife, his son, Ann King, and her son James. I hope Rebecca will recover. You will write our ancient father this horrid news; also tell my son Johnny.”

Your affectionate brother,

VALENTINE SEVIER.

The son John mentioned in this letter is the father of Ambrose H. Sevier. He married Ann Conway, as we have stated. There is a curious history in the Knox county court,

as follows: "1793, May 6—John Sevier produced a license from Governor Blount to practice law, and was admitted." See Ramsey's History of Tennessee, 569. Ambrose H. Sevier was well educated in the English branches, and he studied law under the direction and supervision of his father. In 1820 he settled in Missouri, but in the following year moved to Little Rock and commenced the practice of his profession, but soon abandoned law for the more enticing field of politics.

In October, 1821, he was elected clerk of the territorial house of representatives. In 1823 he was elected from Pulaski county to the territorial house of representatives, and succeeded himself in 1825 and 1827, being elected speaker of the house the latter term; 1827 was an eventful year in the life of the rising young man. In August he was elected to the legislature. On the 4th of September he fought a duel with Thomas W. Newton; a few days afterward he married Miss Juliet, the accomplished daughter of Judge Benjamin Johnson and sister to the Hon. R. W. Johnson, who was afterward a member of both branches of the national legislature; on the 1st of October he was elected speaker of the house, and in November he became the successful candidate to succeed his uncle Henry W. Conway in congress, after his tragic death in a duel with Robert Crittenden. Politics on the Arkansas frontier was then a very robust and vigorous institution, and one method of proving loyal adherence to party creed and stern devotion to personal honor was by resort to the *code duello*. An apt illustration of the punctilious bearing of gentlemen toward each other in those days is found in the duel between Mr. Sevier and Thomas W. Newton. Newton was then a high-strung young man, making his way in the world, on his own responsibility without any adventitious or extrinsic factors of support or reliance, and he banked on that capital with as much assurance as the directors of the Bank of England do on the bullion in their vaults. He was a whig and the warm personal friend of Robert Crittenden.

Sevier on the streets in Little Rock, with language more robust and expressive than elegant, applied, in the hearing of Newton, some harsh criticism to the political course of Mr. Crittenden, not noticing, nor caring particularly who was present. Newton

stepped up to him and said: "Mr. Sevier, perhaps you are not aware that Mr. Crittenden is not present?" To which Sevier replied: "Perhaps he has some friend present to represent him." And Newton with a Chesterfield bow, and wave of the hand said: "Indeed he has, sir, and you will soon hear from him." The duel was fought on the 4th of September, 1827, in the Cherokee nation, now Conway county. The celebrated Geo. W. Jones of Iowa was Newton's second, and the author is informed that Major Wharton Rector of the United States Army was Sevier's second. The first and only fire resulted without injury, their seconds and friends then interceded and prevented any further combat. Major Wharton Rector was also second to Henry W. Conway in his fatal duel with Robert Crittenden, on the 29th of October following, and Mr. Jones was second to Jonathan Cilley of Maine, who was killed in the District of Columbia, in a duel with Graves of Kentucky in 1838.

Our distinguished citizen Colonel Richard M. Johnson is the brother-in-law of Mr. Sevier, and the son-in-law of Mr. Newton, and his parlors are adorned with splendid portraits of each of these prominent actors in our early history. The election for a successor to Mr. Conway was warmly contested by three able men, Richard Searcy of Batesville, Judge Andrew Scott of Scotia (the name of his country seat), and Mr. Sevier. The election was held in August, 1828, and resulted in a plurality of fifty-six in favor of Mr. Sevier.

In 1829 the contest for congress was renewed with great vigor, and pressed with much ability on both sides. In this canvass Sevier was again opposed by Richard Searcy and was elected by a majority of three hundred and eight. In 1831 the whigs tried the speed of another competitor and put the popular and talented Ben Desha of Batesville on the track with Mr. Sevier as a very promising antagonist, but he was defeated after a very thorough and close contest by four hundred and fifty-three votes. In 1833 the whigs were still undismayed, but fully recognized the fact that none but a man of splendid abilities could reasonably expect to achieve success against Sevier, who added great personal magnetism and a firm grasp on the popular heart to long service and acknowledged abilities, and stood like Hercules in the pathway of all opposition.

The leaders of the whig party, with great unanimity, centered on Robert Crittenden, whose name became the rallying cry of the clans from the center to the circumference of the territory. He, too, had a lineage written high on the crest of Kentucky's great name. The physical man was moulded in the perfection of human symmetry; his eye sparkled in the brilliancy of animation springing from a lofty nature; he possessed dauntless courage and stood high on the roll, as one of the most accomplished orators America ever produced. Each had a rival worthy of his steel, and defeat meant no reproach in such a contest. When the smoke of battle cleared away it disclosed a majority of one thousand nine hundred and fifty-six for Sevier.

Jackson's popularity was then at its flood, and no talent, however great, could stem its tide in Arkansas. In connection with this ever memorable race, tradition has left us one of her mournful, yet touchingly beautiful, legends, which in pagan Rome or classic Greece would deify and immortalize the name of Crittenden. His lofty pride and high ambition to serve his country, founded on and supported by delicate and acute mental organism, finally gave way under the distress caused by defeat and released his great soul from earthly bondage on the 18th of December, 1834, at Vicksburg, whither he had gone to argue a great case with Sargeant S. Prentiss.

In 1835 Sevier was elected to congress without opposition, so firmly was his influence and popularity now established. On the 22d of March, 1836, James Buchanan introduced a bill in the senate of the United States providing for the admission of Arkansas, and on the 16th of June following she was admitted into the Federal compact. This led the way to the national senate, and Sevier, and William S. Fulton were elected without opposition, Sevier drawing the long term. He was again elected in 1842 and 1848. During the greater part of President Polk's administration he was chairman of the committee on foreign relations. He resigned his seat in the senate in 1848 to accept the appointment as plenipotentiary extraordinary to Mexico in connection with Justice Clifford of the supreme court of the United States, and they negotiated the treaty of Guadaloupe Hidalgo by which we acquired vast pos-

sessions from Mexico. On his return home he contracted a disease at Vera Cruz which resulted in his death on the 31st of December, 1848, in the forty-seventh year of his age.

He was buried in Mount Holly cemetery, and the legislature of Arkansas, to the everlasting honor of the State, builded a monument to the memory of her noble son. His accomplished daughter, Miss Annie, married the gallant soldier General Thomas J. Churchill, now one of our ex-governors. His son, Ambrose H. Sevier, married one of the granddaughters of Governor Fulton.

He died in the meridian of a useful life and a splendid fame without any spot on his noble escutcheon.

HON. S. G. SNEED.

Judge Sneed came from Missouri about 1828, and located in the small village of Fayetteville. Large and portly, fiery and impetuous, brave and generous to a fault, always relishing wit and humor and yet ever ready to fight on a moment's warning, and to tip a glass with his adversary the next; he was one of the most remarkable characters the prolific frontier produced.

He knew but little law, had learned that little by absorption from contact with men who taught it in courts, and yet was a dangerous rival, a powerful adversary in the forum where juries are judges — could divert their attention from the real issues, entertain them, command their admiration, mould their judgment and dictate their verdicts. For years he was the acknowledged rival of the laborious, methodical, earnest and logical David Walker. Wit, humor of the most convulsing character, biting sarcasm, painful irony, powerful ridicule, all with varied combinations adjusted with the skill of a master to suit the emergencies of every case, made him a dangerous adversary in any forum admitting the display of these abilities.

With these fertile resources he cared but little for law before juries, and often overwhelmed and bore down able adversaries whose capital was logic and law. We give an instance illustrating the great versatility of his genius in this field, where no rival ever ranked him. Judge David Walker, his great rival, relied on a logical and thorough presentation of facts and law. In those days there were but few books; a pair of liberal saddle-

bags and a grip-sack could accommodate a very respectable law library.

Judge Walker came from Kentucky, and brought with him a rich treasure in the shape of Pirtle's Digest, which contained a little of every thing, like a pawn-broker's shop. It was a battery worked often on Judge Sneed, and he conceived a sovereign contempt for it.

In 1835 Sneed had a bad case before a jury in Fayetteville, and Judge Walker had the closing argument on him, with Pirtle to refute all his legal assumptions. It was no trouble for Sneed to keep all of his batteries playing whilst he occupied the floor, but to make his adversary cover himself with ridicule and confusion required diplomacy and genius of high order. He had Pirtle's Digest (without the knowledge of Judge Walker), taken from the table in the court-room, and carried to the judge's office, and there left, because he knew when it was missed he would go for it, and give him an opportunity to prepare the jury during his adversary's absence. To put Judge Walker on the look for Pirtle he advanced untenable assertions as good law, and instantly his nervous adversary began to look for Pirtle, but was informed that it had been returned to the office. This information gave Walker momentum in the direction of the missing weapon.

As soon as he got away from the door, Sneed told the jury he had gone after the book, what he would read from it, and that when he took the floor to address them, he would warm and loom up at first like the cock that flaps his wings before he crows, and then open Pirtle and read with solemn measured emphasis, with index finger of the right hand pointing to the comb of the house, and feet two feet four inches apart, and he said: "Gentlemen, when he gets to that point I will stand up and say, 'Mr. Walker, what on earth are you reading from,' and in reply he will bow to me as polite as a French dancing-master, and say, with a wave of the hand, 'Mr. Pirtle.'"

This preparation of the jury occurred whilst Walker was out, and when he addressed them, he innocently followed up the line indicated by his adversary and caused convulsions of laughter. This disconcerted and confused Judge Walker so much that he took his seat in disgust, not knowing what had caused the un-

expected merriment. The verdict was for Judge Sneed's client. This was genius overriding and supplanting law and fact. These powers made him a great criminal lawyer, and commanded a large clientage. In 1831 he was elected prosecuting attorney for the Fayetteville district. In 1833 Judge Walker defeated him for that office. In 1844 he was elected judge of his circuit by the legislature, and held the office four years. In 1832 the Hon. Jesse Turner challenged Mathew Leeper to the field of honor, and Judge Sneed acted as the friend of the latter; the details of this affair are given in the life of Judge Turner. Mathew Leeper was an ardent democratic lawyer, sent by General Jackson from Tennessee to Fayetteville as receiver of the land office. He was a warm friend of Governor Fulton and Ambrose H. Sevier, who were always his guests when in Fayetteville. Governor Fulton, in writing to his wife from Fayetteville in 1843, speaks in terms of high eulogy of Mrs. Leeper's hospitality and refined culture. Mr. Leeper is now living at an advanced age at Sherman, Texas. Judge Sneed moved to Austin, Texas, in 1850, and died there in 1883.

DANIEL RINGO.

FIRST CHIEF JUSTICE OF ARKANSAS, 1836-1844.

Judge Ringo never felt an inspiration prompting him otherwise than to the full discharge of what he conscientiously regarded as a duty. He was slow, plodding, and as methodical as clock-work, and was never in his life known to be in a hurry. Fortunately he was elevated to the bench at a time when the docket in that court was not large and the business admitted of abundant time for research and deliberation.

Hon. Alfred M. Wilson, who was United States district attorney under him eight years after he was elevated to the Federal bench, says he would critically scrutinize every account against the government, and if it happened to vary the fraction of a cent from accuracy it had to be recast before he would certify to its being correct. He was eminently a self-educated man, born in the frontier settlements of Kentucky about 1800, where facilities for acquiring an education were of the most primitive and meager character, and often beyond the reach of the poor. He joined the Kentucky colony at Batesville in



DANIEL RINGO.

1820, but did not remain there long before moving to Clark county, where the first employment in which we know him to be engaged was that of deputy clerk of the district court under Colbert Baker first, and next under Thomas S. Drew, who was subsequently governor of the State. He succeeded Governor Drew as clerk of the district court, in 1825, and was elected three times to the office, but resigned in 1830, before the expiration of his third term. His subsequent career is admirably told by Brother Clark.

Whilst acting in the capacity of deputy, and subsequently as principal clerk, he conceived the idea to master the legal profession, and went about it in that quiet, methodical way peculiar to the German race, and accomplished the arduous task without aid from extraneous sources.

From the best information obtainable he came to the bar in 1830, about the time he resigned the office of clerk. As Brother Clark well says, he had no opinion until after patient and laborious research. He sounded the channel, discovered the current of authority, and then cast anchor. Such a jurist is always conservative and safe, if he does not magnify the importance of some special branch of the law until it dwarfs the relation that other branches sustain to the due administration of justice. Technical pleading at common law, often the reverse, instead of the perfection of human reason, grew to be a Upas tree in the way of that broad and liberal expansion demanded by the necessities of an enlightened age.

The suit for emancipation from this evil and divorce from the now antiquated jargon which we inherited from our feudal ancestors was long pressed in both hemispheres before relief came.

Judge Ringo has been charged, not without much force, with following too tenaciously the senseless technicalities of the common law, but he should not be saddled with too much responsibility in that direction. His genius was not creative, his mind was moulded to follow, not to blaze out the bearings of an intricate science, and in his effort to keep within the sphere of trodden paths, he sometimes mistook the application to the prejudice of reason and justice.

Arkansas, though originally not a common-law country, had, to a great extent, lost her once splendid opportunity to become

emancipated from the objectionable features of that immense body of civil polity, before Judge Ringo ever read a law book. When we acquired the territory of Louisiana, the Code Napoleon founded on the Roman civil polity furnished the rule of action and measure of right.

The territorial government of Missouri, in 1816, abolished that system and introduced the common law, Arkansas then being a county belonging to that jurisdiction. The best opportunity that ever presented itself to break away from the evils of both systems then occurred, but the average legislator does not enjoy the ken necessary for such achievement.

The same criticism applied to Judge Ringo, for adhesion to technical obstruction may, with greater or less force, be applied to all the judges who administered the common-law system of pleading in Arkansas. The fault was not so much in the judge as in the system.

Judge Ringo pursued the even tenor of his way with as little jar and friction as possible; lived and acted to the end a conservative and philosophic life, with stoic and heroic resignation to the inevitable. When his troubles came in the declining years of a well-spent life, to the outer world he appeared the embodiment of that Socratic philosophy which admonishes man to do the best he can under all conditions, and then let consequences take care of themselves. The most beautiful and touching part of the grand old man's life shone forth in Christian splendor in his declining years, when confronted by poverty and other misfortunes. After passing the patriarchal age of three score and ten he faced the accumulated storms of life with moral and sublime heroism, indicating a splendor and wealth of heart and mind belonging only to the highest type of man, which outshine all the idols of ambition. He died on the 3d of September, 1873.

Eulogy on the life of the late ex-Chief Justice Daniel Ringo, delivered at the Bar of the Supreme Court, at the May Term, 1873.—By SOL. F. CLARK.

May it please the court :

At a meeting of the bar of this court, held upon the death of Hon. Judge Ringo, Brother Gallagher was appointed to the

sad and melancholy office I am now performing, but death claimed him before the discharge of that duty, and my brothers have kindly appointed me to present their resolutions to this court.

I have felt that I should come short of the exigencies of the occasion if I fail to give suitable expression of the deep feelings and sentiments his death has awakened in the profession.

Among the men of note in the early history of our State there are few whose names stand out in bolder and more familiar characters than that of Daniel Ringo. Though a native of Kentucky, he was of German extraction, and the characteristics of his mind attested his German origin. He came to this State in the year 1820, and after sojourning in Little Rock for a time, he settled in Arkadelphia, in Clark county. There he commenced the study of his profession.

Judge Ringo was emphatically the architect of his own fortune. Poor and friendless he had to make his way alone. His own ingenuity and industry were his only resources for means of support during his legal pupilage. We find him serving as justice of the peace, then as deputy clerk, and finally he was elected clerk of the circuit court of that county, and served nearly three terms as such.

Tradition in that locality reports him as a young man of commanding personal appearance and highly agreeable manners. At what particular time he came to the bar is not known, but about the year 1830 he removed to Washington, Hempstead county, with the view of establishing himself there in the practice of law. The profession of law has never been noted as a very lucrative one, and the tides which lead to sudden fortune seldom flow in the direction of young beginners. But in his commencement at Washington, he manifestly exhibited qualities which inspired confidence, for we soon find him a partner of the venerable Edward Cross, now a prominent and honorable citizen of this State, and in the midst of an extensive business. From this date Judge Ringo rose rapidly to distinction and to as high honors as the State could bestow.

About the year 1833, breaking up his connections in Hempstead, he formed a copartnership with the Hon. Chester Ash-

ley and removed to Little Rock. He soon took rank here among the ablest men in the State. We find his name constantly associated with such names as Ashley, Fowler, Trapnall, Pike and Crittenden, men who would have done honor to the profession in any State, and who have never been excelled in the history of the Arkansas bar. A lucrative practice rewarded his exertions here, and he continued in the same until in 1836, when, upon the admission of the State into the Union, the legislature elected him the first chief justice, and as such he presided over this honorable court the first eight years of its existence.

Politically, under the old regime, Judge Ringo was always a whig, and in November, 1844, the majority of the legislature being democratic, in a contest for re-election he was beaten on the score of his political opinions by Hon. Thomas Johnson.

The opinions of Judge Ringo, while presiding over this court, are familiar to us all, and need no comment. They are a monument to his memory, of which the ablest of us might feel proud. That noble structure which constitutes our judicial system had its foundations laid by that court, and its decisions during his term comprise no insignificant part of that structure. In a State which was highly democratic, the political opinions of Judge Ringo were continually adverse to his promotion to office or station, and from the time he ceased to be chief justice he lived a private life, quietly pursuing his profession in connection with his brother-in-law, the Hon. Frederick W. Trapnall, until after the presidential election of 1848, when upon the death of the Hon. Ben Johnson, judge of the United States district court for the district of Arkansas, his name and influence pointed him out as the suitable man to fill that vacancy, and he received the appointment of President Taylor to that position. The duties of that office he continued to perform until the State seceded from the Union, and the war between the States made it necessary for him to resign. The district was divided at the time of his appointment, and the new western district was organized by congress, and he was assigned to the duty of holding the courts of both. This largely increased his labors, as well as his usefulness, for not only did the administration of the intercourse law with the

Indian tribes west come within his jurisdiction, but it became necessary for him to organize the judicial system of the western district. It is no fulsome praise to say that Judge Ringo's judicial labors, while conducting those courts, were highly creditable to himself, and conferred honor upon the district and the country. After the war, being somewhat enfeebled with age and shattered in fortune, he did not seek again public station, nor take any part in the political strifes which followed, but pursued a quiet life until called to his final rest, which sad event took place on the 3d day of September, 1873. Many of us were familiar with his last and declining years. Undoubtedly Judge Ringo was one of our ablest judges. It may be said of him, that in his time he was the organizer of two systems of jurisprudence which are now the prevailing systems of Arkansas and familiar to us all. He was not a bold, nor a speculative, nor a rapid thinker, but he was an able and a logical one. As a reasoner, his conclusions were always founded upon facts. Above all his contemporaries his style and method was inductive. His generalizations were always the result of observation and experience. From facts he always reasoned up to principles—from effects to causes, and seldom ever assumed hypothetically positions from which to speculate or theorize. Indeed his imagination was not strong enough to betray him into hasty generalizations. No person ever charged him with jumping at conclusions. With that class whose opinions are, like hand-grenades, ready-made to throw in all directions, he had no sympathy. With him, until investigation and inquiry had done their utmost, he had no conclusions to make or opinions to give. In his moral and social relations the character of Judge Ringo was one altogether to be admired and emulated. As remarked by one of his early associates, now living, the venerable Mr. Woodruff: "As a man and citizen he had few equals, and no superiors." Honesty and humanity, tempered with prudence, were his most prominent characteristics. In his demeanor toward others no man ever manifested a more refined sensibility. Unostentatiously polite, he was everywhere the same genial gentleman, the same agreeable companion, and the same steady friend. And no man was ever a more complete master of that philoso-

phy which teaches submission to all the conditions of our social life. He never rebelled against the inevitable, nor murmured against the decrees of fate. Always alive to the sufferings of others, his own he was ever prone to bear in silence. Even in his last days — when bowed with age, so well was he master — to use a homely phrase — of not being disagreeable, that everywhere and in all circles he was a welcome guest. But notwithstanding his proverbial caution, he was not exempt from sorrows and afflictions which embittered his declining years. Misfortunes, domestic and otherwise, gathered around him. The friends and kindred of his earlier days had mostly departed, and he seemed alone, like some tall tree bereft of the sheltering forest, and left alone to battle with the winds of winter. Without a murmur or a sigh he bore these in secret, and never paraded his misfortunes in public or to the annoyance of his friends.

But, brothers, what is death but a friend come to rescue us from our sorrows and calamities. Our departed brother had passed into the sere and yellow leaf — had almost reached the bounds which nature had allotted to mortality. He had accomplished his work and has gone to lie down — to rest in the fold where sleep the myriads who have gone before him. And we are admonished that we too, one by one, must pass over the stage and go down into the shadowy mists, we know not whither. Death, my brothers, conquers life, but when he has done his work there is nothing more to conquer. Over the good name and works of our departed brother he can have no power, but even while we gather up the trophies of departed friends, and would fain inscribe their virtues upon ever-enduring monuments, we cannot close our minds to the sad reflection that we are in the presence of a mightier conqueror than death. Although time perpetuates all things he obliterates all things. The brightest names inscribed on the temple of fame, as well as the most enduring monuments which man erects to perpetuate the glory of his race, crumble before our eyes and fade into the ocean of eternity.

Even as we gaze upon the morn,
Her face is paled o'er with age.
We worship at the shrine of youth,
And lo ! she turns to wrinkled age.

JUDGE TOWNSHEND DICKINSON.

Judge Dickinson was a native of the State of New York, an educated gentleman and polished scholar. He came to Arkansas soon after the territorial government was organized, and settled at first in Lawrence county. In 1821 he removed to Batesville, Independence county, where he continued to reside until 1851. He was small and slender, weighed one hundred and twenty-five pounds, had dark gray eyes and auburn hair. His voice was musical and rung like the clearest sound of metal. He was a fluent, eloquent and polished speaker, and never tired an audience. Those who knew him say he was a cogent reasoner; his published opinions as a jurist speak for themselves. In 1823 he was elected to the territorial legislature, and that body elected him prosecuting attorney for the third circuit, a position he seems to have held six years. His promotion was rapid; in 1836 he was elected to, and served in the constitutional convention of that year, and he was elected to the first State legislature which convened on the 12th of September, and that legislature elected him to a seat on the supreme bench.

James Moore, a wealthy, cultured gentleman of Irish extraction, immigrated from Vermont, first to Missouri, and then to Arkansas, and settled at Batesville in 1814, with four or five more families. Moore had three accomplished daughters, all of whom became the wives of prominent citizens of the territory.

John Miller, the father of Governor W. R. Miller, married Clara. Thomas Curran, a native of Ireland and near relative to John Philpot Curran, the celebrated Irish orator, married another daughter who bore him a son, James Curran, who became one of the ablest lawyers of his age. Judge Dickinson married Mariah. Thomas Curran and wife died early in life, leaving their orphan son, only ten years of age, to the care of Judge Dickinson, who educated and trained the brilliant youth well for the bar. Judge Dickinson moved to Texas about 1851, and was accidentally drowned about 1860. He was noted for his great fondness for race-horses, and love for the turf, in which he freely indulged like General Jackson.

ABSALOM FOWLER.

This great lawyer was born in middle Tennessee, of poor and obscure parentage, and was of mixed Saxon and Jewish blood. It is much regretted that his early life is unknown to his most intimate friends in Arkansas who now survive him. The year when he came to Arkansas is not now easily established. Hon. Samuel W. Williams, one of his most intimate friends, is of the opinion he came here in 1833, but several well-known facts in his history clearly indicate that he came to the territory of Arkansas at an earlier date. In 1836 he was a leading spirit in the constitutional convention, the acknowledged leader of the whig party, and its candidate for governor in that year, positions scarcely compatible with so short a residence, when there were many able men in the whig party. Colonel Fowler's adopted daughter, now Mrs. Mary A. Nobles of Arkansas county, in a recent letter to the author, says: "Colonel Fowler came from Murfreesboro, Tennessee, I have often heard him say, when he was about twenty-two years of age. He died June the 4th, 1859, aged fifty-seven years." This, if true, fixes his birth in 1802, and his advent in Arkansas in 1824 or 1825.

Another circumstance strongly indicates a residence here earlier than 1833. Tradition says he came on foot from Memphis over the old military road to Little Rock, with his wardrobe in a pair of saddle-bags thrown over his shoulder; that he was poor, but, before the great financial crisis of 1837, had accumulated much property with the proceeds of his professional labors.

His physical manhood looked the perfection of nature's works, and challenged the admiration of all who beheld it; poor, but proud and imperious as Jove, he had no following in the beginning, no lineage to commend, no friends to promote his advancement but the unclouded splendor of a great intellect wedded to untiring energy, and one of the best physical constitutions ever given to the children of men, supplied them all, and conducted him to the front rank, at a bar boasting Ashley, Crittenden, William Cummins and afterward Pike, Hempstead and many others. There was no legal question too



ABSALOM FOWLER.

complicated or abstruse to appear simple and as clear as a sun-beam under the inspiration of his cultivated genius. The first twenty volumes of our reports attest the accuracy and depth of his legal attainments. Dauntless, he knew no fear, rigid in his exactions, unbending in his resolve, harsh and imperious, austere and overbearing in his great forensic conflicts, he had no devoted following like Crittenden, Ashley, Fulton, Sevier, Bob Johnson, Pike and the Conways, but his talents and genius rivaled the cold splendor of an arctic glacier throwing back the rays of a frozen sun.

In the trial of a case in the Federal court prior to 1840, Fowler prosecuting, Ashley defending, angry words and insults passed between them, and Fowler picked up a cut-glass ink-stand and hurled it at Ashley, cutting a severe gash over the eye, from which blood spouted in great profusion over books, papers and the table between them. Some years after this in the argument of an important land suit at Jacksonport, he boldly denounced a combination of land-pirates and whipped them with a scorpion's lash. That night the pirates rallied their clans and proceeded to the office occupied by Fowler to lynch him. When the mob came surging up he sprang to his feet, seized a pistol in each hand, met them at the door, and in the most imperious tones ever uttered by man, demanded a halt, and with arms presented told them he would shoot down the first man who dared advance an inch. The mob halted, reeled and was dumbfounded at the exalted, defiant spirit of one great and fearless man. Then the eloquent denouncer of crime repeated the awful castigation, and the mob slunk away as from an eruption of Vesuvius.

Colonel Samuel W. Williams, in a recent letter to the author, says: "Fowler was beyond question a great man; he was naturally a military genius — commanded and masterly handled the State troops when the Cherokees were rising. If he had chosen arms instead of law, he would have made a combination of Grant's daring, Lee's conservatism and Stonewall Jackson's dash. I don't think America would have had a nobler military character, if our civil war had broken out in 1840 instead of 1861. Beyond question he was an orator, and in practice had no superior at the bar. There is a tender side to his faults."

He made a brilliant canvass in 1836 against James S. Conway for governor, but, in a total of seven thousand seven hundred and sixteen votes, was defeated by a majority of one thousand one hundred and two. In 1838, and again in 1844-5, he was a member of the legislature from Pulaski, after which he seems to have dropped out of politics and devoted all his time to his profession. He wore out a splendid physical constitution in the ceaseless drafts made on it by tremendous energies. In April, 1859, whilst engaged in the earnest argument of a case in the Federal court at Little Rock, he was stricken with paralysis, from which he never recovered. He lingered until the 4th of June, when one of the greatest lawyers Arkansas ever had passed away.

GOVERNOR THOMAS S. DREW.

Madam Fortune, in her republican log cabin, becomes a fickle dame in the disposition of her wares. A rail-splitter, tailor, and tanner, each in turn through her favor became president; a cobbler, vice-president; a well-digger, governor of a neighboring Commonwealth, and a New England peddler-boy governor of Arkansas.

Thomas S. Drew was a native of New England, an honest farmer's son. After acquiring a good common-school education he left home to seek his fortune in the south-west, and came into Arkansas through the gates of Missouri in early territorial times, following the unpretending avocation of peddler for several years. He was truthful, open, frank, honest, and readily won the confidence of the early pioneer, and was always a welcome and desired visitor on his periodical circuit to dispose of his wares. The toiling husbandman, the hunter, and good housewife commissioned him for a thousand favors when purchasing in the east, and always found him responsively accommodating.

When the settlements began to be prolific enough with children he changed his avocation to that of school teacher on the primitive basis, and finally wedded a pioneer's daughter, who brought a dowry of fifteen to twenty slaves and a good plantation to the nuptial union, and he became farmer Drew on a prosper-



GOV. THOMAS S. DREW.

ous basis, honored and respected for the unchallenged integrity of his life.

Devoid of political ambition, he never aspired to political station, but was content with the even tenor of a peaceful and quiet domestic life. Two years' departure from these natural inclinations (1823 to 1825), during which he held the office of clerk of Clark county, satisfied him with official station. Uncontaminated by desire to indulge the vanities and luxuries of showy and ostentatious life, he was contented with the limited smiles of prosperous husbandry. The prospect of his most daring, youthful vision was filled with the tinkling bells and music of his lowing herds on the neighboring hills and the golden fields of waving grain that made him a sylvan king, the happiest of husbands and the most devoted of fathers; but the tempter came unbidden in an evil hour and in complete disguise. The democratic convention assembled at the capitol in 1844, and with but three dissenting voices, nominated Elias N. Conway for governor, and he firmly declined the nomination on the ground that his business engagements did not admit the assumption of other responsibilities. Prominent members of the convention then advised with him as to who would be an available man to put in nomination, and he advised them to confer the honor on Thomas S. Drew, of Independence county, his honest old farmer friend, and the convention, with great unanimity, acted on his advice, and the democracy ratified the nomination at the polls. Political lightning thus struck one of the best and happiest farmers in Arkansas, whether as a blessing or curse, let the sequel tell. He was duly inaugurated in the fall of 1844, and moved his family to the seat of government, and at the expiration of his first term of four years was re-nominated and re-elected. At the end of the first year of his second term his fortune was dissipated, gone, and the meager salary of \$1,800 forced him to resign and try farming again. He returned to Independence county broken in fortune; from thence he moved to California and tried to retrieve his fortunes, but failed; from California he drifted into Texas and died at Lampassas in that State, in 1880, at an advanced age. He was possessed of but ordinary ability, but no one ever doubted or questioned his integrity either in the

private or official walks of life. His family was extravagant, and he failed in essaying honors for which nature had not moulded him. His life "points a moral and adorns a tale" of value to all who seek to profit by the experience of others.

JUDGE BENJAMIN JOHNSON AND SON, HON. ROBERT WARD
JOHNSON, LITTLE ROCK.

These honored and distinguished gentlemen are prominent members of a very distinguished family, both in our local and national history. Written and oral traditions of the family carry the historian back to early times in the old colony of Virginia, and there leave him to contemplate the dim, illegible outlines of the past and forgotten at a period where oblivion closes the gate and refuses to give up her treasure.

That they were men of strong individuality and pronounced types of character is sufficiently attested by their descendants. We find them staunch settlers in Orange county at an early day, from whence Robert Johnson immigrated in 1779 to the "dark and bloody ground," and settled in what has since been mapped out as Scott county. He raised a family of thirteen boys and girls, and gave his country sons distinguished alike in war and peace. Two of his sons, James and Richard M. Johnson, were distinguished soldiers in the war of 1812. On the 5th of October, 1813, at the battle of the Thames, Richard killed that celebrated Indian warrior Tecumseh. James died whilst serving his first term in congress. John L. Johnson served two terms in congress and was then elected judge of the court of appeals of Kentucky, which he subsequently resigned and became one of the most remarkable ministers of the gospel America has ever produced, preaching in the service of the Campbellite or Christian church for more than thirty years, in every section of the Union, without pay. He was learned, eloquent and profound, and practiced all the virtues of the creed he professed. Richard M. Johnson was fifteen years a member of the national house of representatives, ten years a member of the senate of the United States, and four years vice-president of the United States.

Two of the sons, Joel and Henry, became distinguished planters in the lower Mississippi valley. Benjamin Johnson,



HON. BENJAMIN JOHNSON.

brother to these celebrated sons of Kentucky, the subject of this notice, was born in Scott county, Kentucky, the 22d of January, 1784. He was a young man of brilliant promise and expectations — was universally esteemed for amiability and purity of character. He was admitted to the bar in the Lexington circuit, where his ability and popularity soon marked him for the high station of the jurist, to which he was elevated by election several times before President Monroe in 1821 appointed him to the territorial bench in Arkansas, an appointment which was renewed through all the changing and successive administrations until the State in 1836 was admitted into the Union. When that event transpired General Jackson appointed him judge of the Federal court for the district of Arkansas, a position he adorned and honored until his death in 1849. He was universally esteemed and admired, not only by the bar, but by the whole body of his fellow citizens. He was on the bench thirty-eight years. One of his daughters married Ambrose H. Sevier, long a senator in congress. One of his granddaughters is the wife of Governor Churchill. Robert Ward Johnson, his distinguished son, was born in Scott county, Kentucky, on the 22d of July, 1814, and came to Arkansas in 1821, with his father. His academic training was imparted at Indian Academy, near Frankfort, his collegiate, at St. Joseph's College, Bardstown, where he was graduated in 1833. Leaving Bardstown he entered the law department of Yale, where, at the expiration of two years, he was graduated bachelor of laws. He returned to Little Rock in the fall of 1835, where he met a genial companion of high hopes and promises in the person of Samuel H. Hempstead, with whom he formed a law-partnership which continued until 1847. In 1840 Governor Yell commissioned him prosecuting attorney for the circuit embracing Little Rock, which made him *ex-officio* attorney-general for the State, a position he resigned two years afterward.

During his term of office, Trowbridge, then mayor of Little Rock, was discovered to be the leader of a band of counterfeiters, and many men of local prominence were accused of being connected with him. They were indicted by the grand jury, and prosecuted with fearless ability by Colonel Johnson. This

trial enhanced his fame as a lawyer, and brought him prominently into public notice. As we have seen, he is descended from a line who always had strong moorings in the public heart, and he seems to have been better fitted for the political than the forensic arena, though possessing great talents for both.

In 1840 and again in 1842 he was a formidable competitor for the legislature in the strong whig borough of Pulaski, against such men as Gibson, Trapnall and Bertrand, the ablest leaders of the opposition, and was defeated only by a few votes the first, and only one vote the last race. The achievement was remarkable for one so young against such odds in favor of old veterans. These local contests extended his fame throughout the State as a party leader, and focalized the attention of the democratic party on him as a candidate for congress in 1846, and he was elected without opposition in the fall of that year.

In 1848 he had strong opposition for the nomination in his own party, in the person of the talented and ambitious Judge W. S. Oldham, an associate justice of the supreme court of the State, and afterward a senator in the Confederate congress from Texas, and in 1861 commissioner from the Confederate States to Arkansas, to win her over to the revolutionary government at Montgomery. This strong man was overwhelmingly defeated by the well-arranged combinations of Mr. Johnson in the "great north-west" where Judge Oldham lived.

This was accomplished by running the always popular Alfred M. Wilson of Fayetteville as a tender to Colonel Johnson; he rode the old tidal wave of "the north-west," swept the foundations from under Judge Oldham, and thus secured the nomination and election of Colonel Johnson. This defeat inspired the removal of Judge Oldham soon after to Texas. He was re-elected in 1850, and declined the nomination in 1852, desiring to retire from politics, but when Doctor Solon Borland resigned his seat in the senate of the United States to accept a foreign mission in 1853, Governor Conway appointed him to the vacancy until the legislature could in the fall of 1854 fill it by election, and he did not feel at liberty to decline the exalted

station. When the legislature convened he was unanimously elected, not only to fill the unexpired term, but for the succeeding term of six years ending March 4, 1861.

He opposed the compromise measures of Mr. Clay and the repeal of the Missouri compromise, because underlying these principles he foresaw the coming conflict between the free and the slave States, and regarded these measures as tending to precipitate, rather than prevent civil war.

He was much devoted to the union of the States, as founded in the organic sanctions and restraints imposed by the fathers, but he did not regard his loyalty to the government, as administered by a dominant sectional faction, which made war on, and set at defiance the constitutional guaranties thrown around the institution of slavery, as of higher obligation than the allegiance he owed to his native south.

When he saw the south embarking on the bloody ocean of revolution, founded in the greatest civil war since Cæsar and Pompey fought at Pharsalia for the mastery of the Roman empire, he embraced the cause of the south.

He believed in the doctrine of secession, but in the application of the principle as a *dernier* resort. In this, in common with many able men of the south, he followed the disorganizing heresies of that great intellect, John C. Calhoun, too far. Nullification and secession are twin sisters, and can have no obligation in our system, unless admitted as elements of destruction; that sort of energy was never invoked and never incorporated in our federation. No government can long exist which recognizes the doctrine. Change the term, and call it revolution, and coming generations will find little to condemn in the south for resisting the encroachment of a faction, founded in open disregard of sacred guaranties.

Mr. Johnson, in 1860, when his successor was chosen, declined to be a candidate for the senate. He came home from Washington after the inauguration of President Lincoln, and entered on an active canvass of those sections of the State where the Union sentiment prevailed, taking strong ground in justification of the south. When the secession convention re-assembled in May, it elected five delegates to the provisional government at Montgomery, viz.: R. W. Johnson of

Jefferson county; A. H. Garland and Albert Rush of Pulaski county; H. F. Thomason of Crawford county; and W. W. Watkins of Carroll county.

In November, 1862, Mr. Johnson was elected senator to the Confederate congress, and served in that capacity until the end.

After the fall of Richmond, he fled to the Brazos in Texas, and from thence started to Mexico in voluntary exile, rather than submit to the fate he supposed awaited him if he remained in the United States; but in Galveston he met General Gordon Granger, of the United States army, an old friend, who extended him every courtesy, and put him in communication with President Johnson, which resulted in his going to Washington instead of Mexico. President Johnson gave him protection, and he returned to his large landed estates in Jefferson county. Here he struggled heroically for two years to rebuild, and to save something out of the wreck of his once princely fortune, but failed, and gave up all to his creditors.

The practice of his profession now became a necessity, and he met the demand with the vigor and courage of younger and better days.

The author knew him well before the war, when he was in the noon-tide of both financial and political fortune; but Robert W. Johnson never appeared to so much advantage as when overwhelmed with misfortune. Then it was the nobility of his nature towered above the wreck around him and exhibited a soul superior to disaster. In the fall of 1868 he moved to Washington city and entered into partnership with General Albert Pike. This was a happy and successful union, lasting nine years, after which he resumed his former home in Little Rock. Congress, in 1877, by special act, removed his political disabilities. In 1878 he was a candidate for the United States senate, and made an earnest, animated canvass of the State, but was defeated by a very small majority in favor of his opponent, the Hon. J. D. Walker of Fayetteville. He died at his residence in Little Rock on the 26th of July, 1879. He possessed a very sanguine temperament, and gave way to no obstacle in the pathway of honorable ambition. No man was more devoted to friends, nor more defiant to enemies. He was a splendid conversationalist, and never tired in entertaining friends.

Mr. Johnson married two daughters of Dr. George W. Smith of Louisville, Kentucky; the last wife and three children by the first survive him — Benjamin S. Johnson of Little Rock, and Frank S. Johnson of San Francisco, California, both able lawyers, and Sallie Frances, the wife of John C. Breckenridge, son of the late Major-General John C. Breckenridge.

GOVERNOR JOHN POPE.

Governor Pope, one of the most eminent and celebrated characters connected with the early history of Arkansas, was born in Westmoreland county, Virginia, in 1770, the grandson of Thomas Pope, who was the father of George Washington's mother.

No higher lineage, no nobler blood flows through ancestral tides in this or any other country or age. The heraldry of this line was baptized in a spotless fame by the "Father of his country," and it will survive the invasions of time as the best legacy, the world's best character, could give mankind until history perishes in the fall of man.

At the age of seventeen he entered that ancient seat of learning in the Old Dominion, William and Mary, where so many noble youths drank deep at the Attic fount of inspiration, and took on that noble character which has left its impress wherever her sons have gone. He spent five years at this institution in laying deep the foundations of his future usefulness and fame. Three years carried him through the curriculum of the literary, and two through the law department, in both of which he graduated with flattering honors.

About this time his father and family joined the western tide of immigrants and located on the fertile lands near where Louisville has since grown up; John, the son, located in Lexington in 1794, and soon entered on his brilliant career in law and politics.

Five years later an unknown and unheralded youth, born in Hanover county, Virginia, in 1777, a stranger to fame, an alien to wealth and all the advantages it imparts to youth, entered the same village, determined to achieve emancipation from the obscurity in which he was born; his arrows were

pointed toward the sun ; his foundations were broad and deep and strong enough, to support a pyramid of fame in the coming years ; his mind was the restless nurse of exalted ambition with a reserved force sufficient to support its flight. In the crystallization of political forces and concentration of energies in the formation of parties, he embraced the school of Jefferson rather than that of Hamilton, as the one nearest the hearts and affections of the people.

Pope was not devoid of high aspirations, but he never suffered his ambition to mould or color his political convictions. He was a great admirer of that brainiest of all American statesmen, Alexander Hamilton, and became a federalist.

These two young men, John Pope and Henry Clay, were destined at no distant day to become great rivals in a great field, candidates for fame before the same constituency on platforms widely divergent. Both soon became conspicuous leaders in the legislature of Kentucky, and both soon broke down the barriers which confined them to local fame, and became conspicuous actors in national politics. The legislature of Kentucky, in 1806, elected both of them to the senate of the United States, Mr. Clay to fill the unexpired term of John Adair, Mr. Pope for the full term. During his senatorial career Pope married Miss Johnson, of Maryland, sister to Mrs. John Quincy Adams, by whom he had two daughters, both celebrated for their attainments and beauty. Florida died in early womanhood unmarried. The eldest daughter married the gifted John W. Coker, a member of the bar, who came to Arkansas in 1836.

Governor Pope, though a federalist, supported President Madison's administration, but was strongly opposed to the war of 1812, his great rival, Mr. Clay, being one of the leaders of the war party. His opposition to the war caused his defeat for the senate in 1813, and he was succeeded by Jesse Bledsoe. He never entered the senate again. When he retired from the senate he resumed the practice of his profession at Lexington, until 1816, when he was nominated for congress by the federal party. The national republican party put Clay in the field against him.

These two great champions immediately entered on perhaps the ablest and most brilliant conflict ever fought in the arena of

American politics. Clay possessed the higher art of oratory and an unrivaled magnetism over his auditors. Pope possessed the greater depth and expansion of brain forces, the sharpest wit, and at times a polished irony surpassing Juvenal.

Their respective partisans from town and village, hill, valley and wildwood glen, came rushing and pouring in one magnetic stream to their appointments to witness the battle of the giants, and drink deep the wisdom and inspiration of the great leaders like Paul at the feet of Gamaliel. It was not only a contest between great men, but in it for the time being the political heart of the nation seemed to focalize; because, on the result depended the issue as to whether Kentucky would wheel into republican or federal line, espouse the doctrines of Jefferson or wed those of Hamilton. Mr. Clay triumphed, and federalism found a grave in Kentucky beneath the ruins of the noblest battle she ever fought.

The history of this great intellectual contest in the heart of "the dark and bloody ground," after seventy years have rolled away, is handed down from sire to son in yet fadeless tradition. Speak of it to a Kentuckian in any quarter of the globe and his eye kindles with enthusiasm and his heart swells with pride. After this defeat he retired from politics, and devoted himself for twelve years to the practice of law, but in 1828 he again came to the front in the meridian of his splendid powers, having in the mean time learned from accomplished facts, that democratic institutions can stand the strain of war and federal pressure, without the dangerous machinery of a more centralized power. In 1824 he voted for Jackson in preference to his great brother-in-law, John Quincy Adams, but took no part in the canvass.

His decided preference for General Jackson, in the presidential campaign of 1828, over John Quincy Adams, led him to canvass Kentucky and Virginia with great zeal and ability. In this connection it must not be understood that he was a democrat or that he claimed to be; he had the courage of his convictions on all occasions, and individuality of the most pronounced type, and only supported General Jackson as the nearest approach to his own convictions; but the democracy regarded his defection to Adams, as of great significance, and it

was. His active canvass and great abilities, centered public opinion on him as Jackson's attorney-general, but that portfolio was tendered to John M. Berrien of Georgia, and Mr. Pope was appointed governor of the territory of Arkansas for the unexpired term of Governor George Izard, who died in the fall of 1828. The appointment was made March 9, 1829, and was renewed for four years in March, 1831, and he continued to act as governor of the territory until superseded by Governor Fulton in April, 1835.

There is, until this chapter goes greeting to the public, some secret, hitherto-unwritten history, connected with this change of administration in the affairs of Arkansas, which significantly illustrates the stubborn will and character of the actors, Governor Pope and General Jackson. In 1832 General Jackson put his autograph to his congressional message of that year and sent it to Governor Pope, which was interpreted by the latter as a desire for an expression of opinion on the merits of the performance, which he proceeded to give in the most decisive terms.

Governor Pope always indulged the most decisive convictions, regardless of the time-serving consideration, as to what effect their free expression, would exert on his political fortunes. He acknowledged no lord of commanding mien in the field of thought, and was always the fearless and absolute master of his own convictions. He differed widely with the president on the fiscal policy and relation of the government to the people; he favored a United States bank and a high protective tariff, and combatted the views of the president with much ability, in a private letter to him. This was distasteful to the iron will of the old hero, who never accustomed himself to brook opposition from any quarter, and he made up his mind to remove the independent governor of Arkansas, and sent for Ambrose H. Sevier, then our delegate in congress, to consult with. Sevier was eminently a wise and sagacious politician, he had successfully contended with the Crittenden party since its organization, and foresaw probable political disaster to himself and party if Governor Pope was rashly driven to augment the strength of the opposition, and he prevailed on the president to abandon the idea of removing the governor. But the axe fell when the term

expired, and Governor Fulton, Jackson's personal friend, inherited the succession. Governor Pope's administration, was certainly enlightened and progressive; under the old territorial administrations the officers were appointive and not elective; he took immediate steps to have this changed by congress, and succeeded in having all the offices elective, except the governor, judges and secretary.

Up to the commencement of President Jackson's first administration, it had been the uniform policy to appoint generals from the army as governors of territories. Our first and second territorial governors, Miller and Izard, were generals of distinction in the army. The precedent was set in the appointment of General St. Clair by General Washington as governor of the North-West territory in 1787, the first territorial government under our system. Then the policy was a good one, because the history of all the States and territories, new and old, is written and sealed in blood, and there ought to be no discord and division of authority and power when an enemy was to be kept at bay with small forces.

In 1829, the government established the first weekly mail between Little Rock and Memphis, which was carried overland on horseback, *via* the military road then recently opened. This event was regarded as of the highest importance to Arkansas, and the press of the period hailed it as the advent of a new and progressive era.

In the first recommendation the new governor made to congress, he advised a river mail-route, from Little Rock to Memphis and New Orleans, by a weekly line of steamers. In an age of wonderful achievements, when electricity is harnessed to the most delicate machinery and put on duty as a post-boy, and required to make the circuit of the world with the news of the day in a few moments, we can hardly realize these things. What a mighty contrast spans the historic chasm between then, and now! In October, 1819, Governor James Miller, with a military suite of twenty persons, embarked at Pittsburgh in the United States keel-boat *Arkansas*, for the capital of the infant territory, and when she rounded the bend below the Post at the end of her tow-line, on the 1st of January, 1820, seventy days out, her sailor boys in blue struck up the national air of

"Hail Columbia," and the officials on shore fired a salute of twenty-five guns; an hour later her noble prow touched the quay of our first inland mart. The little trading depot, established more than a century before, by the ancient Canadian *voyageur*, was then wearing the honors of capital city of the territory, by congressional favor, with dimensions embracing about twenty rude log cabins. Town and environs, then presented the picturesque appearance of a gala day on the wild frontier, and animation, curiosity and joy reigned supreme for the hour. The aborigines of America were largely represented by the Quawpaws, Osages and Cherokees, in their primitive dress of skin, feather and tinsel, supplemented with the savage gaiety imparted by rude application of war-paint. By his side, the strongest factor in the same crowd, stood the no less picturesque backwoodsman, with buckskin raiment and coonskin cap, his trusty rifle in hand; as rude as he was noble, as gentle as he was brave, and as independent as Roman knight or Norman lord, from whose loins a hardy native race have sprung. The hunter's wife, with child in arms, and the squaw, with pappoose lashed to her back, lent a wildwood charm to the scene. Robert Crittenden, until then acting governor of the territory, with the judges of the superior court, Jouett from New England, Scott from Missouri, and Letcher from Kentucky, stood on the landing in republican simplicity, to receive the governor and suite. The martial roll of the drum, and inspiring note of the fife, proclaimed the disembarkation complete on the 1st day of January, 1820, and the governor and suite were escorted with both military and civic honors to the best mansion in the capital — a log cabin.

Here is a picture as rude and wild and glorious, as any ever rocked in the classic cradles of ancient Greece or Rome. It is fraught with inspiration worthy the epic lyre of "the wandering minstrel from Chios Isle." It is worthy the genius of a Raphael, to transfer it to canvas, and rescue it from the waters of Lethe [which are fast closing over it], and baptize it in the name of immortality. It was the cradle of an infant State which is now taking her proud place in the grandest aggregation of Commonwealths known to the world — the landing of our first governor. The artist who grasps



GOV. JAMES MILLER.

this picture in all of its artistic details, and succeeds in transferring it properly to canvas, will mount the chariot of fame and journey down the tide of time, the companion of centuries, and greet a thousand generations of yet unborn Arkansians. But let us return to Governor Pope, and leave the historic picture which we embraced only as an illustration of the wonderful vitality and energies of the age in which we live.

The spring of 1830, opened with a violent political war between Governor Pope, then the representative of Jackson's administration, and the Crittenden party, which had then crystallized into a welding fusion with the whig party. In those days politics was the warmest institution north of the tropics. In March, 1830, the *Advocate*, a whig paper, was established by Crittenden and Bertrand, his relative and co-laborer in the opposition vineyard. The *Gazette* was then the democratic or Ashley organ, and was never noted for enthusiasm for Governor Pope, whose talents were of the first order. To build him up, would be arming a dangerous rival. Rivals do not generally embrace so much disinterested activity. How far these considerations influenced the violent opposition is now, to some extent conjectural. Selfish motives, where ambition lures to the prize, are generally passionate and powerful, and leave their foot-prints on record. This was with varying degrees of intensity, continued without intermission, and finally led Governor Pope to establish the *Intelligencer*, as the government organ, with "Honest John Steele," chief of the editorial staff, who was at times ably supplemented, with war material from the governor's arsenal. After the *Intelligencer*, was established, government patronage was withdrawn from the *Gazette*, and her editorial thunder, sharpened by a hungry stomach, was turned against the governor. Now the ponderous editorials of the *Intelligencer*, came right and left to both adversaries, like the blows of Vulcan.

His term expired in March, 1835, and for reasons already stated, President Jackson did not renew his commission. Thus ended in Arkansas, the career of one of the ablest men America has produced. He returned to Kentucky in May, 1835, and in 1836, was nominated by the whigs in the sixth district for con-

gress, and was elected by a large majority over Tom Moore, his democratic opponent, and was re-elected in 1838 and 1840, but in 1842 he was defeated by the celebrated Tom Hardin, which ended his political career. Pope county was named after him. He died in 1844, full of years and full of honors, at the advanced age of seventy-four. He lost an arm by an accident in a mill, at the age of fourteen. In youth and mature manhood, he was tall and slender, over six feet in height, but in old age grew very corpulent. Judge Pope of the Federal court of Illinois, the father of Major-General John Pope of the United States army, (now retired), was his brother. Governor Churchill of Arkansas is his grandnephew. Fountain Pope, his nephew and first private secretary, was mortally wounded in a duel in 1831, with C. F. M. Noland. He was succeeded as private secretary by another nephew, Judge William F. Pope, now of Little Rock, who came in 1832. Judge Pope is an accomplished gentleman of the old school; his mind is a vast storehouse of events current half a century ago, and his memory retains early impressions with great tenacity. The author has drawn from that magazine of learning for many facts. He has been with us since 1832, and was postmaster under four different administrations—Tyler's, Fillmore's, Lincoln's and Davis'. Governor Pope was one of the ablest criminal lawyers America has produced; some of his efforts in that direction are master productions, and rival the best efforts of Curran and Erskine. In 1824 or 1825, in connection with his young law partner, the accomplished Thomas J. Lacy, he defended Beauchamp, charged with the murder of Sol. P. Sharpe of Kentucky, an ex-member of congress, and at the time of the tragedy a prominent candidate for the United States senate. The murder grew out of the alleged seduction of Beauchamp's wife, before her marriage. The trial attracted national notoriety, and is one of the most celebrated in our forensic literature. Governor Pope's address on that occasion ranks with the great masters.

GENERAL GRANDISON D. ROYSTON, WASHINGTON.

This grand old Roman citizen has a great history in Arkansas. He was born in Carter county, Tennessee, December the 9th, 1809, of unmixed English blood. His father, Joshua



GRANDISON D. ROYSTON.

Royston, was a native of Maryland, a farmer and Indian trader, of great energy of character. His mother was Elizabeth S. Watson, a native of Virginia, and daughter of that distinguished Methodist divine, Rev. Samuel Watson, one of the early pioneers of the Holston conference in East Tennessee. She was possessed of fine literary taste, culture and attainments. The son inherited a robust constitution from his father, and the application and tastes of his mother for books. He was in early life sent to the common neighborhood schools, and there prepared for an academic course, which he took at a Presbyterian academy in Washington county, Tennessee, under the tutorship of Henry Hoss, a celebrated teacher of that day. After thorough academic training, he entered the law office of Judge Emerson at Jonesboro, Tennessee, and two years thereafter was admitted to the bar [December, 1831].

With no capital but good mind, constitution and resolute will, he made his way to the territory of Arkansas, and located, in April, 1832, in Fayetteville, Washington county, then a sparsely-settled village of but few inhabitants. Here he remained eight months, teaching school five days during the week, and practising law before justices' courts on Saturday. In December, 1832, he changed his location to Washington in Hempstead county, where he has remained ever since.

The first twenty-five years of professional employment were very laborious and lucrative. The State was his circuit, no railroads, and few dirt roads, and no bridges; court-houses, hundreds of miles apart. Flooded streams and rivers were not considered an impediment in those days; they were crossed on the back of a swimming charger. These circuits, with clothing and library in a pair of leather saddle-bags, were made twice each year, and when a cabin was not found on the wayside they camped out. Hempstead, Fowler, Trapnall, Cummins, Pike, Bertrand, English, Walker, Linton, Watkins and many others constituted these legal cavalcades, and in later times the younger members joined the semi-annual procession over the State.

In 1833 there were three judicial circuits in the State. In the fall of that year General Royston was elected prosecuting attorney for the third circuit, and discharged the duties of the

office two years. His title as general, by which he is universally known, came to him by commission as brigadier-general, from Governor Drew, on whose staff he served several years. In the fall of 1835, the electors of the territory of Arkansas elected delegates to assemble in Little Rock in January, 1836, to frame and adopt a constitution preparatory to admission as a State into the Union. General Royston represented the electors of Hempstead in that convention. The labors of the convention were concluded on the 30th of January, 1836. General Royston acted a very prominent part in that convention. In the fall of 1836 he was elected to the first legislature under the new State government.

There were two sessions of this legislature. The adjourned session convened in November, 1837. John Wilson was speaker of the house. A bill providing a premium on wolf scalps was under consideration, when several members jocularly offered amendments, and amongst others, John J. Anthony offered an amendment, authorizing the president of the State Bank to certify to the genuineness of the scalps. The speaker was president of the bank, and construed this as a personal insult, and after a few words of altercation between him and Anthony, he left the speaker's chair and advanced on Anthony, and in the struggle killed Anthony with a bowie knife. Anthony died on the floor of the house instantly. This unfortunate circumstance has been of incalculable detriment to the good name of the State abroad, where it has been taken as typical of Arkansas life. Wilson was expelled, and General Royston was elected speaker of the house. At the first session of the first legislature General Royston was on joint ballot of the house and senate elected judge of the circuit court, but at once declined to accept the office; he was then making professional fees very largely in excess of the then niggardly salary of \$1,000 per annum. Offices were now pouring in on him.

In 1836, General Jackson appointed him United States district attorney for the district of Arkansas, but before confirmation by the senate withdrew his name [*a la* Jackson], because it came to the old hero's ears that on a resolution before the legislature of Arkansas instructing her representatives in congress to vote for the celebrated expunging resolutions, General Roys-

ton had voted in the negative. This he did on the ground that the senate of the United States was the only tribunal having jurisdiction. In 1841, President Tyler appointed him United States district attorney, for the district of Arkansas, and he held the office a short time and resigned, finding his practice more lucrative than official emoluments.

In 1858 he was elected to the State senate from the district composed of the counties of Hempstead, Pike and Lafayette; and at this session, became the father of the levee system of the State, so intimately related to the swamp and overflowed land system, which is yet retained. He did not believe in, nor support the doctrine of secession, because he wisely thought no government could stand with that element of dissolution engrafted on it: but, like a great many others, he acquiesced in the decision of the overwhelming majority.

In 1861 he was elected to the Confederate congress, and served his State in that capacity two years. In 1874 he was elected from Hempstead county to the constitutional convention, and was elected president of that body. In 1876 he was a delegate from the State at large, to the national democratic convention at St. Louis, and voted for Tilden and Hendricks. He has always been a democrat, a follower of Jefferson, and is to-day (1887) apparently as lithe, active and stout as he was at thirty years of age, and may the old Roman long be spared to us.

General Royston is a man of culture, refinement, engaging and winning manners, and has always enjoyed the confidence of the people.

General Pike, General Royston, Hon. Jesse Turner and Hon. A. M. Wilson of Fayetteville are now (1887) the only living representatives of the "old bar" of Arkansas.

General Pike is fond of relating an amusing but unfortunate incident in the life of General Royston, which happened about 1840. The legal "circuit rider," when he could not ford, had to swim the streams in those days. On one occasion General Pike, General Royston and many others stripped to swim a stream in south-west Arkansas. After dismounting each disciple of Blackstone rolled up his clothing and strapped it across his shoulders, to keep it above the tide. On this occa-

sion General Royston had \$300 in bank bills, and for better security held his pocket-book in his mouth. After the horse had advanced some distance in the foaming stream, he suddenly stepped off of a precipitous ledge of rock and baptized the rider. The general's mouth, forgetful of the treasure it was charged to keep, flew open in an involuntary spasmodic effort to expel the water, and the money was lost.

JUDGE DAVID WILLIAMSON CARROLL, LITTLE ROCK.

Judge Carroll was born in Maryland some time since the beginning of this century, but the date is past finding out. The judge is mentally and physically robust, and bids fair to chase the coming century half around its circuit, but he considers it impertinent to ask a gentleman when he was born. In this respect he very much resembles the president of the late confederacy. When President Davis was first met by the writer after the collapse at Appomattox, the author so far forgot himself as to remark: "You have turned quite gray since I last saw you, Mr. President," to which he energetically replied: "Great God, Hallum, can't you say something pleasant?" So it will be with Judge Carroll when his eye falls on this paragraph. Biographies are worth but little when peculiarities which distinguished the individual are ignored.

The judge is a lineal descendant of David Carroll of Maryland, who was a member of the great convention of the original States which drafted the constitution of the United States, and he is a collateral descendant of John Carroll of Carrollton. His good name thus runs back and connects with the richest blood of the revolution — names forever memorable in the history of free institutions — prominent and conspicuous actors in laying the foundations of the noblest heritage of man yet enjoyed on earth. He is also nearly related to the Right Reverend John Carroll, first bishop of Baltimore.

Judge Carroll was liberally educated at St. Mary's College, Baltimore. In 1836 he came to Arkansas as a sort of *protege*, of Judge Edward Cross, and entered the surveyor-general's office at Pine Bluff, under that gentleman, in which position he continued until 1839, when he returned to Maryland and engaged in farming for several years. In 1844 he returned to

Pine Bluff and taught school there one year. In 1846 he was appointed deputy clerk in the United States district court. Judge Benjamin Johnson then presided in that court. Here he imbibed a taste for law and read it with avidity at all times when not engaged in the discharge of clerical duties.

In 1848, he was admitted to the bar, and from this time onward his career has been a successful one. Very soon after he was enrolled, the legislature elected him as one of the attorneys for the State Bank, an honorable and lucrative position. Judge Carroll always acted with the democratic party. Pulaski county in the days of whiggery was one of its strongholds. In 1850 both parties put out their strongest men for the legislature, and the election resulted in the choice of Frederick W. Trapnall, whig, and David W. Carroll, democrat. In 1853 he was elected by the legislature land agent for the Pine Bluff district, an office since abolished. In 1860 he was elected prosecuting attorney in the Pine Bluff district. In 1864, when A. H. Garland was promoted from the Confederate house of representatives, to the Confederate senate, Judge Carroll was elected to fill the vacancy, in the Confederate congress. The treaty at Appomattox, forced him the first time in life, to abandon an office, and he has steadily refused to die to create a vacancy. Next after farming, he likes official position best.

In 1866 the Judge found another good opening, and accepted a commission, as probate and county judge of Jefferson county, and held it until he was reconstructed out of it under the imperious constitution and reconstruction laws of 1868; and thus experienced the second time, the compulsory process of ouster, when an appeal to his constituents would not avail. This gave him the first good opportunity he ever enjoyed, to practice law without official interruption, and he embraced it for ten years with great success, Pine Bluff being the base of operations.

This ten years' retracy satiated Brother Carroll's thirst for private life, and it was a matter of serious consideration with him for some time, whether he would break the monotony and divert himself with farming, or official position, but after consulting the gods, he chose the latter, and became chancellor for the State in 1878, a position he has eminently adorned down to this writing (1887).

As chancellor, his commission has, since his first election, been twice renewed, and he is likely to hold it, until old master calls a halt, and pronounces the benediction, unless something better should strike his fancy and lure him away from the Woolsack.

He is an able, dignified and most upright judge, unostentatious, unassuming. No man ever wore the ermine with more becoming grace than Judge Carroll. He adheres to his convictions of right with unswerving tenacity and devotion, and yet is as gentle as a woman, and as true to every instinct of honor and manhood as the needle is to the pole.

JUDGE R. S. C. BROWN, VAN BUREN.

Judge Brown, a native of Tennessee, came to the territory of Arkansas about 1827, in company with William Crutchfield, a modest, refined lawyer from the same State, and settled at Van Buren, Crawford county, where he continued to reside until death.

Judge Brown was in many respects a remarkable man; his education was very limited, and he was very sensitive on all occasions involving discussion of grammatical questions. He weighed two hundred pounds; his hair was almost white from youth, the lightest blonde; his eyes light gray; height five feet ten inches. He never made any serious pretensions to being learned or possessed of high judicial attainment, and in this he displayed good common sense. During a long official life he was ever regarded as an honest, upright man; this gave him great strength and popularity with the people, who were always willing to honor and trust "Old Dick Brown," a name still dear to many of the old citizens who still remember him.

In 1829, and again in 1831, he was elected by the voters of Crawford county, to represent them in the territorial legislature. In 1836 the same constituency elected him to the constitutional convention to aid in framing the organic law of the State. Again, in 1838, the electors of old Crawford commissioned him with a seat in the State senate. In 1840, the legislature elected him judge of what was then known as the seventh circuit, in which position he served the people six years, with little knowledge of law as a science, but great honesty of purpose.

Tradition connects "Old Dick Brown" with many novel, original, quaint and amusing eccentricities; and, as an example of the humor the lawyers on that circuit enjoyed for six years, we give some of them, without the fear of being criticised for monotony. Whilst judge, he always called himself "my honor" either on or off the bench.

Judge Paschal, once said to some bystanders, that he was tempted to throw a book at the Judge's head. Some mischief-maker told him what Paschal said, and this in turn very much incensed "Old Dick," who straightway hunted Paschal, and accosted him thus: "Paschal, did you say you would throw a book at my honor's head?" Paschal was much embarrassed, but neither affirmed nor denied, and the irate Judge continued: "I will put my honor's foot on your d—n neck. Don't you let my honor ever hear of such disrespect again."

Old lady Snow had beat an old farmer unmercifully, with an axe handle, and was indicted, charged with an assault with intent to kill, *contra pacem*. The old lady was found guilty of an aggravated assault, and sentenced to pay a heavy fine, and to imprisonment in jail for thirty days. Her husband immediately paid the fine; but to his great astonishment and humiliation, Jonas March Tibbetts, the prosecuting attorney, made a motion to put the husband in execution, in virtue of that common-law principle, requiring the husband to answer to the default or miscarriage of the wife.

Paschal was retained by the unfortunate husband, and resisted the motion, but the court sustained it and sent the husband to jail. After the lapse of several days, Paschal collected all the books to be had in the circuit, and moved the court to discharge the prisoner. Argument on the motion was grave and serious, and was unfinished at the noon recess. In his distress, Paschal appealed to Judge William Walker, to speak privately to the Judge, in aid of the motion.

The two judges walked arm in arm to dinner. On the way, Brown asked Walker: "What do you think of the position taken by my honor?" To which Judge Walker replied, by asking if he would punish the husband if the wife had been found guilty of adultery. "Old Dick" burst out in convulsions of laughter, and after a short respite, called the sheriff at

the top of his voice, and ordered him to immediately discharge old man Snow. At the table he continued to indulge in inordinate laughter, and excited the curiosity of all present, particularly several ladies, who insisted on being told the cause, and the old jurist told them, to their great confusion.

John Taylor, the eccentric and heroic Ishmaelite, procured the record and personal history of every member of the bar, for use, as occasion might require. Judge Brown's early history, graced this unique collection. On one occasion, at Clarksville, in 1841, Taylor was arguing a motion for a new trial, based on the assumption that the court had erroneously charged the jury, and from intimations thrown out during the progress of the argument, became strongly impressed with the conviction, that the court would adhere to the error. This inspired a feeling of revenge, and "Old John" determined, if possible, to bring the court down, with his record back in Tennessee.

This he accomplished very artfully, as he did all things. The court, up to this time, was innocent of knowledge, that this record had penetrated the wilds of Arkansas. Taylor said the circuit of our learned and noble profession, embraced many great and shining men, who scorned little, ignoble things and employments, with now and then a rare and startling exception, which brought to mind a very great and eminent groom, who once chaperoned a three-dollar stud horse. The auditors were startled; they felt the crash coming, but no one but the court knew where it was falling. At this juncture the Judge abruptly called a halt; then rising to his utmost assumption of dignity, said: "I kept a stud horse back in Tennessee, but it is a lie and a slander to say it was a three-dollar horse, it was a ten-dollar horse, sir. Now proceed and confine yourself to the truth, Mr. Taylor."

In the spring of 1842, at Van Buren, just before Paschal was elevated to a seat on the supreme bench, Linton and he, had a very nice question, depending altogether on the meaning and grammatical construction of one word in a new statute. Both were learned and able men, and discussed the question for several hours. At the conclusion, Linton looked with ill-suppressed derision at the court, then turned to James Woodson Bates, who was eminent for scholarly attainments, and asked

him to decide the question. Bates very properly and promptly declined the officious office, and showed some feeling at the implied assumption, that he was capable of such discourtesy to the court. Judge Brown saw and embraced the opportunity, to throw off the painful embarrassment such discussions always subjected him to, and said, with zeal and emphasis: "I never knew but two men in my life who made any parade of grammar knowledge, and it is my opinion it made d—n fools of both of them." Paschal did not relish the rude escape of the court's embarrassment, but Linton enjoyed the retort with great relish, if it was at his own expense.

One of his political friends and former neighbors was indicted, charged with felony, for having sold a mule he had previously posted as a stray, and the Judge was disposed to favor him all he could. The defendant, after having posted the animal, sold it, and moved out of the county. The judge gave a long and laborious charge to the jury, and said: "It is a clear case; if the man had to move or wanted to, he had a right to move, and the law could not make him stay, and it is a clear case he could not sell the mule under the law. But, gentlemen, hear me, *he could sell the chance of him without breaking the law,*" and the jury so found. He was a curiosity on the stump in a canvass for office. On one occasion, he ridiculed his opponent, for not having divided his speech into two heads, and said: "Now, gentlemen, I will divide mine into three heads," and rattled away to the conclusion without any further allusion to method or division, and, when he got through, said: "I believe I have forgotten the third head," and sat down.

In 1846, after the close of his singular but honest judicial career, he asked the people of Crawford, to send him once more to the lower house of the legislature, and they did so. In 1847 President Polk appointed him Indian agent, and he honestly and efficiently discharged the responsible duties incident to the office, and died in the discharge of official duties when traveling from the Cherokee, to an agency further west in 1849.

He was related to the Seviars, and prided himself much on that connection. The reader, after what has been said, will be surprised to learn, that Judge Brown, was once appointed special judge of the supreme court, a striking illustration of the arts of the politician to secure popularity.

MRS. ELIZABETH R. WRIGHT, LITTLE ROCK.

Celt and Saxon lines, in equal degree, share the lineage of this accomplished and refined lady, the daughter of our last territorial governor, and first senator in congress, William Savin Fulton, through whose blood, her paternal lineage runs back, through a long succession of trans-Atlantic Irish gentry, until it is lost in the dim and obscure outlines of tradition too remote to be traced by the historian. Her grandfather, David Fulton, a thoroughly educated and polished Irish gentleman of the old school, came to America in his youth and settled in Maryland

The maternal line, in its cis-Atlantic plant (of English origin) came to America, in early colonial times, under the protection of one of the liberal Lords Baltimore, and established themselves in the aristocratic heart of that old colony, the eastern shore of Maryland, where Matilda Frances Nowland, the mother of Mrs. Wright, was born and grew up, a member of the highest social circle. The Mercers, Wards, Veazeys, and Biddles, all prominent families in the local history of Maryland, were near relations.

In 1815, Mary, the eldest daughter of David Fulton, and Elizabeth Savin, of the eastern shore, married William Crockett, a merchant of Gallatin, Tennessee, and descendant of the earliest pioneers of the Cumberland valley, a family that gave Davy Crockett to the world.

This marriage caused the removal of the family to Gallatin, Tennessee, where Eliza, another daughter, married Doctor Elmore Douglass, and Rebecca, the third daughter, there married Alfred Douglass, cousin to the doctor, his brother-in-law. The Douglasses came in the westward tide, with the first pioneers, and they have always been prominent in the highest social circles of Tennessee.

In 1820, David Fulton, and his brother-in-law, Perry Nowland, moved to Florence, Alabama, where William S. Fulton married his cousin, Matilda Nowland, whose mother was a Savin. Here Mrs. Wright was born, whilst her father was writing ponderous editorials in the interest of General Jackson, which will be further developed in the next chapter, to which this is chiefly introductory.



ELIZABETH R. WRIGHT.

When Governor Fulton was elected to the senate, his versatile and vivacious daughter Elizabeth, was about twelve years old. He carried her to Washington, and educated her in Georgetown, in one of the best institutions of learning. The great advantages imparted by this institution, were greatly augmented by the polished and refined training, found in the home circle, and by contact and acquaintance with most of the celebrities congregated at Washington, during her long stay there. Gifted and accomplished, her father's pet and confidant, she took the deepest interest in all the movements on the political chess-board, which shaped his fortunes to the end.

Thoroughly cultured, and as thoroughly imbued, with her father's spirit, she became at an early age thoroughly conversant, with the exciting politics of Arkansas, and the secret ebbs and tides and currents, that finally crystallized into history. Thoroughly alive to family pride, she stands with all the delicate and refined sensibilities of her sex, like the fabled Vesta, guardian over its remains and its fame.

But it is better, that she outline these things in her own felicitous language, copied from a long letter to the author, written without any thought of publication. Such letters are generally devoid of that rigid formality authors sometimes assume, and for that reason come to us with all the more zest and relish.

LITTLE ROCK, *June 7, 1887.*

JOHN HALLUM, *Lonoke, Ark.:*

MY DEAR SIR — Passing by all doubt and misgivings, that were encouraged by my first impulses, I have decided to aid you all I can in a fair and impartial presentation of the life and character of my beloved and honored father. At first I instinctively shrank from the undertaking, lest some unkind critic should call me partial and egotistic. Then I thought me, there are but few of the living, if any, who are competent and willing to assume the task of preserving the fame of one of Arkansas' favorite citizens, now fast passing away. Again, I thought, it would be filial sacrilege, not to lend a helping hand, to an object so praiseworthy and honorable. Having embraced this conclusion, I ought not to deal sparingly with my confidence;

and hence turn over to your possession, the remnant of a once voluminous correspondence, between our dear old General Jackson (that common bond of union between Mrs. Hallum, yourself and I) and my father, with other correspondence, all written under the sacred seal of privacy, to continue inviolate so long, as the original actors were living.

This implied injunction, has been kept inviolate by me, long after death broke the seal. Fire invaded Rosewood, my father's suburban villa, and in its ruins perished a large collection of what you call "the Fulton papers and correspondence." This accumulation of papers, commenced with my early girlhood, and was continued during my father's lifetime, and it embraced all that was written or published of him and his warm friends: Ambrose H. Sevier, General Jackson, the Conways, Rectors and Johnsons coming within this limitation. But there were other ambitious men, whose advent in the territory, preceded that of my father, who naturally thought they had rights prior and stronger than his to political promotion, whose names, for obvious reasons, I omit, but they will readily occur to you. The old whig party did not embrace all the opposition to him; great and powerful men in his own party opposed him. His controversy with that able man, Governor Pope, and his opposition to the admission of the territory as a State was, at one time, regarded as his political downfall, but my father's intrinsic worth, supplemented by General Jackson's influence, proved a wall of strength that could not be broken down by the combined influence of external and internal opposition.

The destruction of those papers was indeed a funeral pyre to me. They were the sacred repositories of my father's fame, the idols of his idolized daughter. The remnant preserved, snatched from the burning ruins, throws a flood of light, on the inward, rather than the external life of my father. In the home circle, the beauty and nobility of his moral character, lent a charm to all who came within its influence.

In submitting this correspondence to your mature judgment, and careful consideration, you will pardon the expression of my extreme solicitude, to avoid, as far as possible, in its publication, any thing that may seem harsh, or have a tendency to arouse

the resentment of the descendants of the original actors. My observation in life, admonishes me, that whenever you cross opposing political currents, you excite criticism and opposition, and it is quite natural for these infirmities to find expression, through traditional channels, and descendants who feel as I do, a warm and ardent interest, in all that concerns their progenitors. But in this I would not mislead you, nor have you think that in the discharge of a filial duty, I would shrink into the proverbial weakness of my sex, and avoid responsibility, where duty and necessity demanded, and imposed higher obligations than questionable compromises with the infirmities of the living. Within the latitude of these limitations, the correspondence is yours, either to give, or withhold from the public, and to use, as in your judgment, it may best serve the fame of my father.

From a number of General Jackson's letters that escaped the fire, I set particular store on that containing advice to my father, written soon after his marriage. The advice given, founded as it is in the wisdom of domestic economy, will be good through all coming time. I desire to preserve and hand this down in the original, with all the other correspondence between the grand old hero and sterling friend, and my father.

Remember me affectionately to Mrs. Hallum, and assure her that the deep interest she takes in your work, finds a kindred response in the head and heart of your friend.

ELIZABETH R. WRIGHT.

GOVERNOR WILLIAM SAVIN FULTON.

It is much regretted that no portrait of that distinguished citizen, Governor William Savin Fulton, survives. He was born in Cecil county, on the eastern shore of Maryland, June the 2d, 1795. His father, Judge David Fulton, was a thoroughly-educated Irish gentleman, who left Ireland and settled in Maryland when a young man. He gave his son a classical education, but of this let the son speak in his own language presently. In November, 1815, the family moved to Sumner county, Tennessee, where David, the father, was for some years engaged in banking. Here the family became intimate with General Jackson, whose friendship was a powerful factor in

promoting the fortunes of the son, who was in every way, worthy of the confidence and warm friendship extended him. By permission of Mrs. Elizabeth R. Wright, the only surviving child of Governor Fulton, an elegant and most accomplished lady, who devotedly loves the memory and fame of her honored father, we copy and reproduce the following papers and correspondence. From Governor Fulton's diary : this ;

"On the second day of February, 1804, I became a student under the Rev. Samuel Knox, afterward president of Baltimore College, in which institution I graduated in September, 1813. I was taught to dance in 1807, and learned French in the college in an irregular manner. I commenced reading law under the late celebrated William Pinkney, in the month of November, 1813. I moved from Baltimore in 1815, and went into Mr. Grundy's office in Nashville, Tennessee, in April, 1816.

In April, 1817, I commenced practicing law, having been sometime previously licensed in the State of Tennessee. I removed to the town of Florence, Lauderdale county, Alabama, in the month of June, 1820. I have made one journey to Baltimore, one to North Carolina, one through the State of Alabama, and several into Tennessee, since my removal to Alabama. I wrote all the editorials for the *Florence Gazette*, since October, 1821. I was licensed to practice law in Alabama, in June, 1821, and at the same time was elected, by the legislature of the State of Alabama, judge of the county court of Lauderdale county. In the months of September and October in 1814, I served as aid to Colonel Armstead, and was much exposed, and performed the principal service during the bombardment of Fort McHenry, for which I was highly complimented, both by Colonel Armstead and Commodore Rogers, under whom I afterward served in the same capacity at his request, while he commanded the fort during Colonel Armstead's illness. When I parted with Colonel Armstead, at his sick-bed, he took me by the hand and said : "Fulton, I shall never forget you." In January, 1818, I was appointed private secretary to General Jackson, and served in that capacity during the Seminole campaign, when we underwent every hardship, but had no fighting. In December, 1814, I delivered the anniversary oration of the Belles-Lettres Society of Balti-

more, in Baltimore College Hall, before an audience composed of the most respectable persons in the city. On the 4th of July, 1817, I delivered an oration to the town of Nashville, Tennessee, by appointment of the same society.

On the 4th of July, 1821, by request of the citizens of Florence, I delivered them an oration at the Florence Inn. I made my debut at the bar in the town of Gallatin, in the State of Tennessee, in the circuit court in April, 1817. I presided for the first time as judge in the month of January, 1822, in a temporary court-house in the town of Florence, Alabama. I have kept this diary regularly since the 19th of January, 1814.

Much of Governor Fulton's life and character is disclosed in his interesting correspondence with General Jackson and others, and as it throws a flood of light on the subject and the early history of Arkansas, we give much of it to the reader.

The following characteristic letter, was written by General Jackson after the presidential bee began to buzz in his ear. David Fulton, the father of the governor, was then editing the *Florence Gazette* in the interest of democracy, and the old general who prompted ponderous editorials behind the scenes. As Mrs. Wright, well says, "what he says of domestic economy to his newly-married friend will always be of interest."

[To those who may not be familiar with the facts and circumstances alluded to in the letter which follows, and which led to the execution of Ambrister and Arbuthnot, an explanatory note will be acceptable.

In 1818 the government ordered Major-General Jackson to take the field against the Seminole Indians, and to call on the adjoining States for as many troops as he might deem necessary. He raised one thousand men very soon, and marched into the Seminole country, and the Indians fled to the Spanish commanders in Florida, for protection. General Jackson, believing the Spanish authorities encouraged the Indians in this evasion of responsibility, did not regard technical distinctions of international law, nor await dilatory negotiations between Spain and his government, but marched into Florida, took St. Marks, and drove the Spaniards to Pensacola. Finding the authorities at Pensacola continued to encourage and protect the Indians, he proceeded to Pensacola and drove the Spaniards to Havana.

At the Spanish post of St. Marks, he captured two English traders named Ambrister and Arbuthnot, who claimed the protection of the English government.

General Jackson, believing these men were supplying the Indians with arms and ammunition, and that they incited the Indians to hostilities, ordered the court of inquiry, to which he alludes in the letter, and executed them. (See Stephens' History of the United States, p. 424.)

It is curious to note the fact that Stephens and Fulton and all historians call the tribunal organized by General Jackson to take into consideration the charges against Ambrister and Arbuthnot a *court-martial*. General Jackson in this letter says that it was merely a court of inquiry whose power was limited to hearing proof and recommending what should in its judgment be done. In other words, the sole responsibility for executing these men rests with General Jackson, and not with the court, as claimed by historians. General Jackson's conduct in this matter was inquired into by both houses of congress, but his popularity was too great, and he

was justified by large majorities. These acts were made political slogans — the battle cry of the old whig party in its death struggles with the democratic party. Governor Fulton was, as we have seen, private secretary to General Jackson during the Seminole campaign — when these historical events occurred. No man on earth ever loved and adhered closer to his friends than General Jackson, and no man ever more defiantly met his enemies.]

HERMITAGE, *April 4, 1823.*

The Honorable WILLIAM S. FULTON, Esq., *Florence, Alabama:*
(Mail.)

DEAR FULTON — I received your letter of the 26th last evening. Our friend Gardner left me on the 22d ult., *via* Washington, D. C., for Charleston, S. C. I hope he will return shortly and settle with us. Mrs. J. and myself regretted much that we had not the pleasure of seeing you and Mrs. F. at our house; you will always find us friends without disguise. My counsel is always at your command, and on your change of life particularly you ought to have no fear of well-doing. The industry and economy of Mrs. F., in aid of your own exertions, will lead to wealth, or at least to independent competency, which is all that ought to be desired, it being all that is necessary or desirable. There is but one rule which every one ought to adopt and pursue to make him independent; this I adopted when I first had a family, and have pursued it through life. It is, shortly, this: to learn to live within your means. A man can be as independent on \$100 as on \$5,000. Our real wants are very few, our imaginary wants numerous, which will daily increase if we feed or cherish them.

It requires some energy to adopt this rule — fashion, a habit, has introduced many ideal wants which our pride, if left to rule, would lead us to keep up. It requires some little exertion to keep down these feelings that habit has formed on us, but when once the resolution is formed, the propriety of the course examined and approved, you go on triumphant in your laudable course, and competency, happiness and independence follows in its train. I have benefited by this course. It is the one friendship and mature judgment recommends to you, which, if you adopt, your success through life is certain.

Your talents, with industry, will, without doubt, afford you a competency. You never ought to despond; if you do; you

lose that energy of application, that makes talent profitable. When you look around and see men, with half the information you possess, succeeding, it ought to give spur to your energy, that will insure success. You have many friends who will aid you, but in passing through life, you will find greatest aid when you are getting on well yourself. I have no doubt — never had — of your succeeding well. You can calculate on my friendship. Present Mrs. Jackson and myself affectionately to your lady. It is probable we shall be out in July next, when we shall certainly visit you.

I have read the *Florence Gazette*, and read the piece you alluded to in your letter. It is well written, but you have erred in calling the "court" a court-martial. This court was a "*special court*" of inquiry, and so called in the order con-voking it, for investigating the charges against Arbuthnot and Ambrister. The order closes thus: "The court will record all the documents and testimony on the several cases, and their opinion of the guilt or innocence of the prisoners, and what punishment, if any, should be inflicted." Its jurisdiction was created by the order creating the court, and the court had no jurisdiction to award punishment. Its power was to inquire into the guilt or innocence, and give their *opinion* thereon.

This was a court similar to the special court ordered by Washington in the case of Andre. It neither enlarged nor contracted my powers as commanding general, as in all such cases, I had the right by the law of nations to retaliate or punish; nor could the organization of the court deprive me of this power. To give my full views on this subject, I have inclosed an extract from my memorial to congress on the subject, and will send you by the first opportunity the vindication of the president, and his commanding general on this subject. From both of these you will see my justification complete, and unanswerable, and it will enable you to amuse the readers of the *Florence Gazette* and inform them. It would be gratifying to me to learn from what quarter the late censure of my conduct has arisen, for having Arbuthnot and Ambrister punished agreeable to the laws of nations and of war. They cannot be Georgians or Alabamians, for it was this energy and decision that rescued all ages and sexes on the frontier of both States



from the tomahawk and scalping-knife of the ruthless savage, excited by the wily arts of Arbuthnot and Ambrister, the parents and progenitors of the revolting war. Every Christian and philanthropist must approve of their execution, as promoting the objects of humanity. I would, when your leisure occurs, like to know from what source this has arisen.

I will like to hear of the result of your county meeting; there can be no doubt this is the only way the voice of the people can be heard. Intrigue is the order of the day, and unless the people assert their rights, it will be lost to them. The election of the president by the people, will be a mere name; he will be elected by intrigue and management without the voice of the people being heard. Should you see General Coffee and Mr. James Jackson present me to them — the latter I have expected on for some time. I shall write to the general shortly.

I am, sir, with esteem and respect, your friend.

ANDREW JACKSON.

W. S. FULTON, Esq.

P. S.— Judge Fulton can use the inclosed as he thinks proper. If published, he can prepare it as he thinks proper, but not as furnished by me.

A. J.

This following letter from General Jackson to his confidential friend, at one of the most critical political periods in his life, will always possess an interest to all who feel an interest in the political history of the country:

WASHINGTON, *December 21st*, 1823.

The Honorable WILLIAM S. FULTON, *Florence, Alabama* :

MY DEAR SIR — I have received your letter of the 30th ult., and will aid with great pleasure in furnishing you with all the political information in my power — have obtained a promise from our mutual friend General Call to aid me, for the truth is, the receipt of letters, and the frequent calls on me by my friends, leave me but little leisure. I intermix but little in political circles, and do not obtain either as early or perfect knowledge of passing events, as those in the situation of General

Call. I have directed him to forward weekly to you the *Columbian Observer*, which he has promised to do. I shall obtain from General Houston a similar promise. The caucus managers have tried their strength, but, as yet, I am told it is too feeble to make a movement. I am told they cannot muster more than the number of votes given to Mr. Barber for speaker. This was, I believe, forty-two. I am told they are decreasing in number. Whether this be the fact, I cannot say. I touch not, handle not, of this unclean thing. I hope the people will assume their rights and maintain them, and show the designing demagogues of the day, that they will not be intrigued out of their dearest right of electing the president of the United States.

On the subject of the presidential election, I can say nothing, but my friends here tell me I am gaining fast. Pennsylvania is fixed, Maryland it is said will follow her. New York will unmask shortly; and if Crawford's friends, do not find their strength equal to getting up a caucus, he will be withdrawn in my opinion. In that case it is thought I will get Georgia and South Carolina, certain if Mr. Calhoun is withdrawn. It does not appear that Mr. Clay has gained any ground since he came here. Should he not obtain New York and Virginia, he will be withdrawn, and Kentucky, Illinois and Missouri, will, it is said and thought, be friendly to my election. The State of Ohio, it is thought, will not support Mr. Clay. It undoubtedly will not, unless he obtains more than his present strength. In that event, unless Mr. Clinton comes out, it will be divided between Mr. Adams and myself. You are to receive this as mere rumor; a few months will develop these things. The common people have become alive to this question, and they will, I hope, elect the president. Should the choice fall on another, it will leave no heart-burnings in my heart. It is probable that if the State of New York elect their electors by the people, that a part of that State will be for me, and Ohio will be divided. A few months may, I may say weeks will, unmask the whole movements, and a judgment may be correctly formed. As it occurs, you will be correctly furnished with it. I am happy you have read O'Meara's works. The world generally had taken up false ideas of Napoleon — much pre-

justice had been raised against him. I never had doubted, but he was a great and good man. His attack on Spain was the only evidence of ambition. You will have seen the president's message, it is strong and such as it should be. I am invited to a ball given by Mr. and Mrs. Adams on the 8th of January next.

The executive candidates are vieing with each other. I stand alone, and my friends have pursued a prudent course by supporting me on my own merits, and not by destroying the character of others. I hope they will pursue this course to the end, altho' they are vulnerable, still persecution would be the cry. It would injure more than benefit. When the other candidates quarrel, when any is withdrawn, it is human nature not to unite with an enemy, where there are others to unite with. I shall write you as leisure and matter may occur. Recollect this is for yourself, not for the public. Present me to General Coffee; tell him I will write him shortly. Present me to your lady, and believe me to be your friend.

ANDREW JACKSON.

[NOTE BY THE AUTHOR.—The congressional caucus so bitterly opposed and denounced by General Jackson, nominated William H. Crawford of Georgia, for president, and Albert Gallatin, for vice president, but Mr. Gallatin declined, and John C. Calhoun was substituted in his place on the ticket. The old federal party ran John Quincy Adams for president. General Jackson appealed to the people. He was the first to denounce the tyranny of the old congressional oligarchy, which had named the candidates for president since the administration of Washington, without consulting or deferring to the people. Henry Clay followed the example of General Jackson, repudiated the caucus system, and appealed to the people to sustain him in the race for president. The vote of the electoral colleges stood:

For Jackson.....	99
For John Quincy Adams.....	84
For William H. Crawford.....	41
For Henry Clay.....	37
Total.....	261
Necessary to a choice.....	31

Calhoun received one hundred and eighty-two votes, and was declared vice-president.

The colleges failing to elect the president, the election devolved on the house of representatives, voting by States, the election then being limited to the three highest candidates before the colleges. The States voting for Jackson were: Maryland, North Carolina, South Carolina, Tennessee, Louisiana, Mississippi, Alabama, New Jersey, Pennsylvania, Indiana and Illinois — eleven in all. Those voting for John Quincy Adams were: New York, Vermont, Connecticut, Rhode Island, Massachu-

setts, New Hampshire and Maine — seven in all. Those voting for Mr. Clay were: Kentucky, Ohio and Missouri. Those voting for Mr. Crawford were: Delaware, Virginia and Georgia — three only. The choice was finally made by the house of representatives on the 9th day of February, 1825, voting by States. Adams received the votes of thirteen States; Jackson the votes of seven States. The States voting for Mr. Adams were: Kentucky, Ohio, Missouri, Louisiana, Illinois, Maryland, Vermont, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire and Maine — thirteen; a majority of one. The States voting for General Jackson were: Mississippi, Tennessee, Alabama, South Carolina, Indiana, Pennsylvania and New Jersey — seven in all. North Carolina, Delaware, Virginia, and Georgia voted for Mr. Crawford. It will be seen that all of the States voting for Mr. Clay in the electoral colleges voted for Mr. Adams in the house of representatives, and that Louisiana, Illinois and Maryland, which had voted for General Jackson in the electoral colleges, deserted him when voting by States in the house of representatives.

From these facts two assumptions seem to be well supported; *first*, that the will of the people in the choice of president was defeated by the politicians; and *second*, that Henry Clay, for his disaffection to General Jackson, was *rewarded* in being placed at the head of the cabinet by Mr. Adams; whether he had stipulated for that stipend or not, he accepted the reward. It has been unfortunate for the fame of Mr. Clay; whether innocent or guilty, there was too close relationship between the act and its reward, to ward off the shadow, which will forever cloud his fame.]

EXECUTIVE MANSION, WASHINGTON, *April 11, 1829.*

DEAR SIR — I have appointed you secretary to the Territory of Arkansas. Your commission was signed on the 8th instant, and will be forwarded by the secretary of state. It will be proper that you should, if you accept, proceed forthwith to Arkansas, as it may be that Mr. Pope may not have accepted the appointment as governor, and until you arrive, there will be no person to administer the government. Present me to your lady and all friends respectfully, and say to General Coffee that I have written twice lately, and would be happy to hear from him.

I am very respectfully your most obedient servant.

ANDREW JACKSON.

WM. FULTON, Esq., *Florence.*

The following letter will always be of interest in our local literature:

LITTLE ROCK, *May 25, 1829.*

DAVID FULTON, Esq., *Florence, Alabama:*

MY DEAR FATHER — Believing that you are very anxious to know my movements, and the result of my first operations at this place, I have felt it my duty to again address you. We

arrived here safely the day after I last wrote you, altho' after I had written, we concluded to halt all that day, to give the driver an opportunity to hunt his horses. We set out early the next morning and arrived here safely, altho' we were constantly in dread of miring or being overturned, from the bad roads.

I have found no difficulty here; the people have received us in the most friendly manner, and we find a highly respectable population, and a pretty little town, instead of the horrible place which Little Rock had been represented to us as being. The morning after my arrival, Mr. Crittenden sent me a note desiring me to call on him, as an old friend, and informing me that no difficulty should take place in the transfer of the office. On the *very same* day, he received the first official letter on the subject of his removal. He had not resigned the office, as I had thought probable, but says he intended to have done so.

After my interview with Mr. Crittenden, I went the next day to Judge Johnson, and was qualified; and notwithstanding yesterday was Sunday, I was compelled to discharge some official duties, requiring immediate attention.

I was surprised and delighted by the arrival of brother John, who reached here on Saturday night, worn out and exhausted, having traveled all day and night from the Post of Arkansas, on account of the prairie flies, which we had the good fortune to escape. I have every reason to hope, that he will get along here as well as we could have expected.

I am now waiting by appointment upon Mr. Crittenden, who I shall meet presently, when a transfer of the secretary's office will take place, and I shall then take upon myself the temporary office of acting governor. Governor Pope is reported here, to be on his way, and we look for him in a week or two.

I find every thing like provisions high at this place. I have made a contract with Mr. Henderson to board in his family, until I can go to housekeeping, at \$10 per week. John will remain at the tavern until the same time. House rent and hire are also high; but drygoods and groceries, which we feared the most, are much cheaper here than they are in Florence.

Matilda (his wife) requests you to tell her mother that she

is highly delighted with her new home, and that she has found female society here, every way equal to any she has ever been acquainted with. She wishes Sophia [her daughter who married Curran afterward] to be informed, that her pet, Elizabeth, and all the children are happy and contented. Remember us to Mr. and Mrs. Clarke, and to Eliza and Marshall. We have met with nothing but the most respectful attentions from the citizens of every part of the territory; and I have only to regret that the company which my official station draws around me, prevents me from devoting as much of my time to writing to my Florence friends as I had intended. Remember me to them all; and with our united love to all our relations, I am your affectionate and dutiful son,

WILLIAM S. FULTON.

NOTE.—These letters are all written on old-style paper, unruled, and are folded and sealed with wafer without envelope. Envelopes are the invention of a much later day.

Dr. John T. Fulton, the author of the following letter, is a brother of Governor Fulton; and as it is interesting and historical, it is presented in this connection:

LITTLE ROCK, *June 2, 1829.*

DAVID FULTON, Esq., *Florence, Alabama:*

MY DEAR FATHER — I have not realized my expectations in the inducements presented by this country to a medical man—having formed the opinion that the country immediately adjacent to the Rock was settled by planters of wealth; instead of which I find but few settlers, and many of them scarcely able to furnish subsistence to their families. This is the country population. The town contains from two hundred and fifty to three hundred inhabitants, the most of whom receive their support from means furnished by the government to her officers. This is the correct state of things, with five physicians, three of whom have families. They are dependent on these prospects for support. There is one flattering circumstance, however, which furnishes me some encouragement, which is, the medical talent of this place is not very formidable.

I also have another hope — that this country will in a very

few years increase in population. So much for my prospects. We experienced great inconvenience in procuring conveyance from the mouth of White river to this place, which has, as yet, prevented my brother from commencing housekeeping. The result of which is we are yet at boarding-houses, but we are encouraged with the belief that the furniture and other articles will reach us in a few days.

The house for his residence, attached to which are two fine offices, my brother has already rented, for which he gives the round sum of \$250 — every thing being considered, the cheapest bargain that could be had, rents being very high.

The governor arrived here on last Sunday in good health, (Governor Pope). He left his family in Kentucky, designing to bring them to the country next fall. He is truly a very intelligent, sociable and agreeable man, and apparently has so far produced a very favorable impression on the minds of the people. Since his arrival he has been closely engaged in transacting executive business.

The people, as far as I have been able to observe, are of the opinion that the change in the administration of the territorial government will have a most happy effect.

I came from Randolph to the Arkansas Post on the steamer *Pocahontas* for \$20.

We are all well and wish to be remembered in love to our relations.

I remain your affectionate son,

JNO. T. FULTON.

Governor Fulton was frequently a visitor at the Hermitage, and was sometimes accompanied by his accomplished wife, Matilda F. Noland, whom he married at Florence, Alabama, in 1823. On one occasion General Jackson and his wife visited the young couple at Florence, not long after their marriage. When the old general wrote to his young friend: "You may rely on my friendship," it meant all the language imports, and it culminated in a seat in the national senate.

Governor Fulton acted as secretary of the territory from May, 1829, to March, 1835. On the 9th of March, 1835, he was appointed governor of the territory, in which office he con-

tinued until the admission of Arkansas as a State, in 1836. Perhaps nothing attests his great popularity with the people more than his almost unanimous election to the senate of the United States at the organization of the State government in the fall of 1836. He had, with all the energy of his nature, from conscientious convictions, opposed the admission of Arkansas as a State, against the will of a large majority of the people. The excitement against him from this circumstance was strong, but such was the confidence and esteem in which he was held, and the purity of his character and official career, that the people overlooked his opposition to their wishes, and renewed their confidence in him by electing him to the senate, almost immediately after they had overcome and crushed out his opposition. But few men ever fortify themselves so strongly in the hearts of the people, and the people rarely make idols of men unworthy of high trust.

Governor Fulton drew the short term, which expired in March, 1840. In 1839, he was elected his own successor in the senate, with practical unanimity. Arkansas was ably represented in the first congress after her admission into the Union, with Sevier and Fulton in the senate, and Yell in the house. Governor Fulton returned from Washington about the 1st of August, 1844, in perfect health. Rosewood, his suburban residence, had been recently painted and was occupied by him before the paint had dried sufficiently. He inhaled and absorbed the noxious poison, from the effects of which he died on the 15th of August, 1844.

No man in the State was more universally beloved than Governor Fulton, and none of her citizens ever died more universally regretted. It was well said by his distinguished colleague in the senate, when delivering his funeral oration in that body, that "he had honorably filled every station to which he had been called in life from the humblest to the greatest." He was a volunteer soldier boy in the war of 1812, and "no braver knight ever fought beneath a plume." He was a volunteer under Major Trigg, to storm and capture the old negro fort on the Appalachicola. As aid-de-camp to General Jackson, he carried the orders of his general over the battle-fields of Mickashucky and Suwany, and when his general called for

volunteers to storm the frowning batteries of Fort Barancos, young Fulton stepped to the head of the column, to lead the forlorn hope under the gallant Colonel Brooke. But the last sacrifice became unnecessary; these deeds won the heart of the old general who became the nation's idol.

Governor Fulton was as gentle as a woman, but as firm as a rock against the approach of any thing tempting him from the line of duty.

Governor Fulton's Letter to his Wife — Name the boy, I say, "Old Hickory" — Appointment of Noland Sutler at Fort Gibson — His Wife a Belle of Nashville — Death of the boy and Noland.

WASHINGTON, February 7, 1832.

DEAR MATILDA — I wrote you last week informing you of the many trials I had on the journey here. I have met many of my old friends. Gadsden, and Call are both here. I think Gadsden will succeed Governor DuVal as governor of Florida. Gadsden and most of my old friends still remain warmly attached to Mr. Calhoun, without incurring the least displeasure of the president. Indeed, I think all of Mr. Calhoun's friends would have been favorably regarded by the president, if they had not permitted their resentment toward Mr. Van Buren, to influence them (as I think) too much in their course toward the president.

If our little one is a boy, you must call him "Old Hickory." I will tell you why. I heard night before last of the death of General John Hicks, sutler at Cantonment Gibson [now called Fort Gibson.— AUTHOR]. Sevier agreed at once to join me in recommending your brother Edward Noland for the vacancy. We went together yesterday morning to see the president, and found him and the secretary of war in consultation over this very matter. If we had been one-half hour later the vacancy would have been filled. The secretary told us our chance was doubtful, as the appointment would probably be made from Virginia. When the president announced we might be admitted, the secretary returned to the president with us. The moment Edward's name was mentioned, the president expressed the most decided preference for him, and in a few moments he

decided he should have the appointment. His commission will be mailed to him to-day or to-morrow. The office, it is believed, will be worth \$5,000 per annum. Does not the president deserve our everlasting gratitude? Call the boy, I say, "Old Hickory." Andrew Jackson is so common a name.

[NOTE BY THE AUTHOR.—The child was a boy, and was named "Old Hickory." He lived to be seven years old, and died with scarlet fever, within a week of his little sister Maria Ellen. Noland married Miss Harriet Berrybill, one of the belles of Nashville, Tennessee, who, as well as her husband, was a favorite with General Jackson. Years after this appointment Noland met a melancholy death in Fort Smith, Arkansas, at the hands of a man he had believed to be his friend.]

Fulton's Letter to his Wife—Dines with the President—Life in Washington—Land Suit.

WASHINGTON, February 7, 1832.

MY DEAR MATILDA— I have postponed from day to day for eight or nine days to write to you, in the fond expectation of receiving a letter from you. But all the western mails came in to-day, and brought some business letters to myself, and twenty or thirty letters to Colonel Sevier, but not a line from you. How is this? You surely have written two or three times at least? But, as I expect to leave about the first of April, no letter written after the first of March will reach me. You see I am not at the ball to-night. I propose paying a visit to the president to-night, previous to going to Baltimore, where I have permission to go to-morrow. I will spend a week in the old city, but have little hopes of seeing our eastern-shore relatives, or my uncle and cousins near Elkton.

I was accompanied by six members of congress to the president's this evening. We spent two hours most agreeably with him. All the "mess" with whom I board have become warmly attached to him.

I have dined three times with the president, and have spent many evenings, and indeed whole days, with him since my arrival. I have been treated with great politeness by the senators and other high officials. My old friends, and many new acquaintances, have paid me such attention that all my spare time has been most agreeably spent. They have too much high life here for business men; in truth I consider this (for any other than those persons devoted to pleasure) the most irk-

some place in the world. The habits contracted here, unfit both men and women for the sober, industrious pursuits of life. It is ruinous to health; the hours for eating and sleeping are so different from those we have been accustomed to. We eat too much, and spend money too fast. My weekly expenses are about \$13. I have no hope that our case will be argued this term of the supreme court. The court refused the application of the attorney-general to set the case down for a special day. The land cases from Florida and Missouri will consume so much of the term, the court considers it would be great injustice to other sections to exclude them entirely from a hearing. Mr. Taney and Mr. Dodridge, united with me in the application for a hearing at an early day, but to no avail. The attorney-general, with whom I am associated in the argument of the case, involving such large landed interests in our State, has little hope of the case being reached this term. He is so occupied with other cases, he has not yet found time to consult with me, and has given me eight or ten days leave of absence.

Governor Fulton to his Father, February 14, 1832, on removal of the Remains of Washington.

Governor Fulton in a letter to his father, dated Washington February 14, 1832, relates an interesting debate in the house of representatives as follows:

I witnessed, yesterday a most interesting debate, on the subject of moving the remains of Washington from Mount Vernon, and depositing them in the capitol on the 22d inst. I at first strongly favored the resolution, but when I heard the warm entreaties and remonstrances of Virginia members; when I heard them beseeching that his bones might repose in the bosom of his native State, and *upon that spot*, made sacred by his own consecration; when I heard his *will*, expressing the wish that his remains might repose with *those of his relations in a vault to be built at Mount Vernon*, I could not find it in my heart to approve the resolution which proposes to violate this sanctuary. The nation, however, has claimed him as her own, and the removal is to take place. Already the vault has been built under the rotunda of the capitol. I heard all the great men speak on this subject. The scene will be a very

solemn one. It will cause the nation to mourn afresh the loss of our universal benefactor, "the best, the greatest of men."

Fulton's Letter to his Wife—President's New Year Levee, etc.

WASHINGTON, January 1, 1833.

MY DEAR MATILDA—I arrived in time to be one of the wonderful crowd who paid the president a New Year's call. Colonel Sevier happened to be at the tavern when I arrived. After making my toilet, I went to his boarding-house, and accompanied him and Mrs. Sevier to the president's. We found him in fine health, also Major and Mrs. Donaldson, and Mary Coffee, all of whom inquired most affectionately after you. I learn from Mary, that I may expect the pleasure of seeing my old friend, General Coffee, here in a few days. I know of nothing which would be so pleasing, as to have you here, where you could enjoy the society of your old friends, (and they all say they regret I could not bring you). It would have been delightful for you and Mrs. Sevier to have been companions in the enjoyment; you could each hold your own with the best of them.

I am no hand at describing such a scene as I witnessed to-day. Such a description, Sophia (if she were here), could hit off to life. The ladies were splendidly dressed; the gentlemen had on their holiday suits. The crowd was so great, it was at one time impossible to pass from one room to another. The hall and three large rooms were filled to overflowing two or three times, by different companies. We had a fine band of music, and the whole multitude appeared highly pleased. The president was kept on his feet, shaking hands and receiving the salutations of his friends, from twelve until nearly two o'clock. We did not arrive until after one, and were too late to see all the foreign ministers and their attaches; they all were in their court dresses, and must have looked very fine. Our own naval and military officers looked quite martial. The ladies made a great display, and all of our acquaintances showed off to admiration.

Tell your sister Harriet, that Mrs. Donnelson inquired particularly for her and your mother. I intend if possible to get Mr. and Mrs. Sevier to accompany me to Baltimore. I know

it will be in my power to have them delightfully entertained there, as long as they can find it convenient to stay.

Our trip to Washington in the mail was a fatiguing one; we traveled day and night until we got to Fredericktown, then we slept a night. From there, we were carried on the railroad to Baltimore, part of the way by steam at the rate of fifteen miles an hour.

*Governor Fulton to his Wife—Dined with the President—
Taney's Opinion of him as a Lawyer.*

In a letter to his wife dated Washington March 3, 1833, he says:

"The president gave a splendid dinner on Friday and I had the honor to be seated on his right hand. I have been invited to take a seat in the stage, which has been taken by General Coffee to Pittsburgh, who intends leaving in a few days. He will take with him Mary Coffee, Miss Mary McLemore and Mr. and Mrs. Polk. If I can get ready we will have six. Great preparations are making for the inauguration to-morrow. I fear we will find the Ohio closed with ice; in that event, we will have difficulty." * * *

"I have made my maiden argument in the supreme court of the United States and occupied part of two days."

[NOTE BY THE AUTHOR.—That great lawyer, Roger B. Taney, was then attorney-general of the United States, and Governor Fulton was associated with him in the case which involved large landed interests in Arkansas. The argument in this case by Governor Fulton was able, thorough and exhaustive, and was so pronounced by Mr. Taney. I make this record because Governor Fulton, from his advent in the territory in 1829 to his death, was continually in official position, and was not an active member of the bar, because public duties required all his time.]

First Speech in the Senate. January 1, 1837.

These letters were written under the protection of that confidence and privacy which imparts a charm (now the actors are dead) they otherwise would not possess. The *naïve* and charming simplicity in which they are conceived will entertain the living and honor the memory of their author.

WASHINGTON, January 7, 1837.

MY DEAR MATILDA—I have made my first speech in the senate. It was a very short one, and made just before the

vote was taken upon the admission of Michigan. I felt it my duty to explain my reasons—what I said was quite *ex tempore* and without preparation or notes; and, altho' some of my positions were novel and different from those taken on both sides, yet they were well received, and I was happy to find they were highly approved by all our political friends. If my remarks are published in the report they will occupy but a short space; but, as it will appear that I did not attempt to make a labored speech, I am in hopes they will not be considered as discreditable to me.

My brother members around me, urged me to speak, and expressed themselves as highly gratified with what I said. Mr. Wright of New York (who is my most intimate friend) scolded me for not saying more. I have been this evening, to two evening parties — one at the secretary of state's, the other at the secretary of the treasury's. I went in Mr. Speaker Polk's carriage, to both parties, in company with Mr. and Mrs. Polk, and my old intimate friend and acquaintance, Mrs. Catron [wife of Judge Catron, of the supreme court, another one of General Jackson's intimate friends — AUTHOR] of Nashville. I enjoyed myself very much.

Postal Facilities.

WASHINGTON, February 7, 1837.

MY DEAR MATILDA — To day has been a happy one to me indeed. This morning, soon after the senate convened, Mr. Harris sent for me and handed me your's and my father's welcome letters of the 31st ultimo. I only had time to run over them, in the midst of a most animated debate in the senate, when a messenger brought me your letter of the 13th inst., which came by the *express mail* from New Orleans, having left that city on the 19th, *only six days ago*. You may well imagine my surprise and astonishment, as well as gratification at receiving a letter by such a route in so short a time from home. I could well afford to pay the postage, seventy-five cents, for such a letter. I could scarcely realize the fact that I had received a letter written by you *only twelve days ago*, after having been annoyed all winter in not receiving my letters until they were *forty or fifty days old*. We have, however, succeeded in ob-

taining so many mail facilities, that hereafter I hope we will be relieved from this most vexatious state of things. Our letters will now pass, I hope, in from fifteen to twenty days.

To his Wife just after taking his Seat as Senator.

WASHINGTON, *February 14, 1837.*

MY DEAR MATILDA — I am happy in being able to acknowledge your charming letter of the 13th ulto. It is all I could wish it to be, full of interest and the purest affection. I admit I was highly gratified, at the articles published here, in relation to myself and the other members of our delegation. The more so, because I felt how acceptable and gratifying they would be, to my relations and friends; and how disagreeable to my enemies. Things have, however, taken such a turn, and my opportunity to make myself, worthy of the confidence and kindness of the people, is now so complete, that I think they will soon cease to annoy me. I have the entire confidence of our political friends, and am taken into secret council by the leaders. This I may be permitted to say to you but not to others.

I have not been much of a speaker this winter. Indeed I did not desire to make myself conspicuous, until I felt myself better prepared; and besides, I am still restrained by my old feeling of agitation. * * *

Our relation, David Davis,* is now in the city. I am much pleased with him. He is a fine-looking and a highly-cultivated man. He will return immediately to Illinois, where he has permanently settled. He desires me to remember him affectionately to you and the dear children.

Jackson's Letter to Fulton on the Banks.

The following letter possesses historic interest in Arkansas as elsewhere. It graphically details the financial distress of 1837, and the causes leading to it, at the moment when Arkansas was making the greatest and most unfortunate mistake in her financial history — when she was chartering a Pandora's box in the shape of the old Real Estate and State Banks, which wasted her substance and shadowed her fame.

* Judge David Davis of the supreme court, United States, and ex-senator from Illinois.

HERMITAGE, June 27, 1837.

The Hon. WILLIAM S. FULTON, *Senator in Congress, Washington, D. C.:*

MY DEAR SIR — The combined simultaneous suspension of specie payments, by nearly all the banks at the bidding, as it appears, of the Biddles and the Barings, to subserve the interest of England, by robbing us of our specie and bringing ruin and bankruptcy on our country, I have no doubt was unexpected by you as it was by myself, although I had long known of the combination of Biddle and the aristocracy to break our deposit banks, by combined speculation and over-issues to inundate our deposit banks with insolvent paper, and by that means break them. Hence the treasury circular to preserve our deposit banks, keep the specie in our country and prevent our public lands from being sold for worthless paper. And you must recollect my warning to our professed friends in the senate, when they were making that insidious attempt to repeal the treasury circular, and thereby open the flood-gates of broken bank paper upon the government, to foster speculation for some of their own private ends, regardless of the great injury to our country at large. These gentlemen can now say whether my warnings were well-founded. The labor of our country is now groaning under the oppression of depreciated paper, with which our country is inundated; it has produced over-trading and every species of gambling; has produced the present evils, to at least twenty-five or thirty per cent — say in all eighty millions. There is no voice raised in behalf of the honest laborer. The cry is, call the legislators together to preserve the bank charters, instead of passing laws to coerce the banks to fulfill their charters, restore to the people what they by dishonest and fraudulent acts, in open violation of their charters, have forced them to lose.

The safety of the banks is the cry. Who, by their misconduct, has brought this distress upon the country, and who laugh at the calamity, and after having robbed the treasury, cry aloud in strains of rejoicing, "the government is broke and unable to pay its debts?" To add to the injury, they have flooded the country with shin-plasters to drive out of circulation

all specie, that brokers may purchase it for the Biddles and the Barings, for the benefit of England. Having locked up all the specie by which their paper is depreciated, the speculators and gamblers are buying up their paper at twenty-five to fifty per cent discount to pay their bank debts. These injuries added to the barefaced, dishonest conduct of the aristocracy, combined with the Biddles and the Barings, have, with the people, destroyed all confidence in banks, as it has with the government. I have no doubt but good will result to the nation from the experience these wrecked institutions entail. The government must now separate from all banks; it never ought to have had any connection with them. It must provide for the safe-keeping of the money by its own agents; it can do this as well as collect it. With this in view I beg leave to suggest the following outlines for your consideration :

First. The revenue to be forthwith reduced to the real wants of the government — the duties, all cash, no credits, to be paid in gold and silver, agreeable to the fundamental laws of 1789, and 1800. This will prevent over-trading — be a protection, to our own labor and manufactures, and prevent us from being inundated with foreign goods, by the agents of foreign manufactures, and prevent the Biddles and Barings from draining us of our specie, and make it flow to us with the tide of commerce.

Second. Agents of the treasury, under proper restrictions and regulations, to be appointed to receive, safely keep and disburse the revenues, agreeable to the drafts of the treasury, as the deposit banks heretofore performed.

Third. That all disbursements of the government shall be in gold and silver coin.

This will in one year give gold and silver a general circulation throughout the Union, through payments made to the army and navy and for public works and supplies.

The revenue, say \$18,000,000 to \$20,000,000 paid in specie; our mints well supplied with bullion will pay in the course of the year about \$180,000,000 of debt, and as the revenue will be disbursed as it is paid into the treasury, and being thus disbursed will keep the specie constantly circulating for the benefit of all classes. This will give us a stable

metallic currency, restore confidence, leave the banks and bankers to manage their own affairs in their own way, render small bills uncurrent, and if the States do not prohibit their issue they will not be received by any when all public dues are paid in specie. Then the people will be redeemed from bankruptcy by their paper-credit-system, and vacillating policy of over-issue and sudden contractions, and will no longer be hewers of wood as heretofore. This will save the democracy of numbers from the domination of the moneyed aristocracy of the few, by their credit-paper-system. And I can say with truth, that then, and only then, will we have a stable currency, and be a free, happy, prosperous and moral people.

I have only attempted, as you will see, to generally outline a system, which, if adopted, I pledge myself will work well and be a blessing to our country. Can you call and see me on your way to the call-session of congress? My health is not good. I write in pain, but impressed as I am with the wicked proceedings of the banks, their unfaithfulness to the government — to favor over-trading and gambling of the worst sort — to drain us of specie for the benefit of England and our destruction. I have made the effort to write you with the freedom of a friend, and with kind wishes to you and yours and all friends, I remain yours,

ANDREW JACKSON.

P. S.—You will see many blunders in diction, but none in principle in the within — the first excuse, the latter adopt.

A. J.

General Jackson's views as to the Financial Policy of the Government strongly stated.

HERMITAGE, Dec. 26, 1837.

His Excellency, WILLIAM S. FULTON, *Senator in Congress,*
Washington City :

MY DEAR SIR — I sincerely congratulate you and our country on the result of your late elections in Arkansas. It gives confidence of the rally of democracy in the great struggle now going on between the democracy of numbers against the aristocracy of the few, who by the corrupting influence of the

banks and depreciated paper system, are determined to rule or ruin our beloved country. The battle will be a severe one, but I never despair of the republic, or that the people will yield up their republican system for a moneyed despotism. The people cannot be corrupted, but some politicians may. Give to Mr. Sevier and Judge Yell my high regard and congratulations upon this event, so honorable to the young State of Arkansas. I see the battle has commenced in the representative branch. I trust the republicans will with energy unite and pass the divorce bill. I would to God there were in the lower house a Benton, a Buchanan, a Walker, a Wright to sustain, with their talents, the principles so ably sustained in the senate, and the bill would be carried.

It is the only bill that can sustain our republican system. It at once checks over-banking, over-trading, gives purity in our legislation and safety to our beloved country in time of war. Could any one who loves his independence, his country and laws, intrust the money in the hands of irresponsible banks, which, in time of peace, have suspended and robbed the treasury of millions? Suppose we were in a state of war; is there any security that they would not again suspend, through feelings of interest or treachery, and compel the government to make a dishonorable treaty or submit to a foreign yoke? Can any real patriot place our safety and independence as a nation upon such hazard? I answer none! Men who profess patriotism, but have more love for money than for country, may, but they are not patriots, whatever they may profess.

Tennesseans are opening their eyes, the democracy are moving — they are to have a large mass-meeting on the 29th. Bell's speech at Faneuil Hall has politically prostrated him here; he can get no indorsers for his sale of this State to Webster. I will be happy to hear from you, and of the political features of the house of representatives. Present my thanks to Judge Yell for the president's message.

All my household unite with me in kind regards to you and yours.

Your friend,

ANDREW JACKSON.

Gov. FULTON.

P. S.— My health has improved a little, but my eyesight has

lately failed me very much. I hope they will soon get better. I see so badly that it is painful to write.

General Jackson's Letter to Senator Fulton relating to his Fine by Judge Hall for not Obeying the Injunction of the Court, when he was Preparing for the Defense of New Orleans in 1815, and the Opposition of the Louisiana Delegation to Reparation.

HERMITAGE, February 15, 1839.

HON. WM. S. FULTON, *Senator in Congress, Washington, D. C. :*

MY DEAR SIR — I have received your several letters, with one under cover to me for Mrs. Randolph, which was carefully conveyed to her. I have carefully perused your private letter, and have but one remark to make on the ideas expressed by the Louisiana delegation: That, in the event of their country again being invaded, I hope they may find a patriot commander, who, with the precedent before them, may have patriotism enough to adopt all measures of defense, that necessity may authorize, regardless of fine and imprisonment, that may await them from an apostate, traitor judge, whose acts of tyranny and oppression, may again be practiced, and again pass without rebuke by congress. I hope in this their expectations may be realized, but I do not believe they will. I beg of you never to name the subject to them again.

I am passing off the stage; will soon be gone; having done my duty I can only pray for the prosperity of our happy republican system, which I think is in danger; but I trust an all-ruling Providence and virtue of the great body of the people will preserve us, and that in all times hereafter, our beloved country may be successfully defended against an invading foe, combined, as it always will be, with internal enemies.

Before you leave the city for home, let me hear from you the result of the Swartwout committee. I have been quite unwell — still sick and feeble — dragging on a wearied life, and waiting patiently for the last summons. My little family join me in kind salutations to you and yours.

Believe me sincerely, your friend,

ANDREW JACKSON.

*David Fulton to Governor Fulton — Surveyor-General's Office,
January 4, 1841.*

David Fulton, the father of the senator, was a thoroughly-educated and polished old Irish gentleman. He was one of the gallant defenders of Fort McHenry in the war of 1812. He was surveyor-general of Arkansas by appointment from President Van Buren. In a letter to his son dated Little Rock, January 4, 1841, he thus discloses the situation:

"I have been one of the republican family since September, 1788, the memorable year our admirable constitution was adopted; when I happily, with father, mother and family became adopted members, my grandfather and his family having emigrated into Maryland three years previous. Since then I have stood with the defenders of my country and its institutions in peace and war without wavering until this hour. It is the general impression here, although some of the whigs seem to think otherwise, that all the Federal officers of any note will certainly be removed on the coming in of the new administration. I shall be prepared to comply with the order when it arrives. And were it not for the sake of those depending on me for support, I would cheerfully at this moment resign the office of surveyor-general and the responsibility it imposes, but on account of those who look to me, I am somewhat desirous to hold the present office, until the term of appointment expires, which will be two years from the eighth of this month. And it is my first term, so that rotation in office cannot operate against me; nor was any one turned out to make room for me."

*Leave-taking with Van Buren and Harrison — The Rising
and Setting Suns — Exciting Debate over Removal of
Democratic Public Printers.*

WASHINGTON, *March 10, 1841.*

MY DEAR MATILDA — I made all preparations to leave tomorrow, presuming the senate would adjourn. I regret that we will not be able to leave before Saturday. We have got into a very warm debate in the senate. The whigs are attempting to remove Blair and Rives, who were regularly and lawfully elected printers to congress for two years from the 4th of March, and they have entered into contracts to do the print-

ing. The whigs are resolved to dismiss them, and as it is one of the most high-handed measures ever attempted in this country, it has roused the indignation of all democratic senators. Mr. Woodbury of New Hampshire made a most admirable speech to-day, and Sevier gave them two or three sharp shots, and so did Walker. Colonel King and Mr. Clay of Kentucky were very severe on each other yesterday, and I will be happy if something serious does not grow out of their quarrel. I hope the debate will close to-morrow. I will not take part in it, as it has already consumed much time, and called up so many of our leading men. It will do our cause more good than any debate this session. Blair has been cruelly assailed.

Colonel Sevier and myself called on Mr. Van Buren last night at Mr. Gilpin's to take leave of him. We found a house-full of company. The little man and all his company appeared to be perfectly happy. We spent an agreeable hour there, and bade him farewell. He leaves for New York Saturday.

We called this morning for the first time on the new president (Harrison). We could hardly reach him for the hosts of office-seekers in attendance. We were introduced by Colonel Todd. I mentioned that we had called to take leave; and finding we were senators and not office-hunters, he immediately addressed us, by way of rebuke, I thought to those around him. He said: "He was much pressed to make changes in the offices of the country, but that he had determined not to remove any one, except on mature deliberation. He was serious. He must have reasons before he would remove. He would not be urged on this subject by his political friends." We took our leave.

Colonel Sevier thinks this is all moonshine. I do not think he will remove anybody of consequence for some time to come.

* * *

With love to each and every one,

I am your devoted husband,

WILLIAM S. FULTON.

The following letter explains itself and the cause out of which the Borland-Borden duel originated :

LITTLE ROCK, *January 5, 1844.*

HON. WILLIAM S. FULTON, *Washington City :*

DEAR SIR — We have nothing new here that I recollect, except that the editors of the *Banner* and *Gazette* had a "set-to" on Wednesday last, which made some stir among the respective friends of the contestants. The attack was made by Doctor Borland on Mr. Borden, in consequence of his remarks in his paper of that day, in relation to the doctor. It was a fisticuff fight, and I am told that the doctor used Ben. pretty roughly — having beaten his face into a jelly, and bro't the claret with every blow.

Ben. has not made his appearance since ; indeed, I have seen neither since. Some seem to think that the affair is not over, but I think it is. They now *know* each other, and know that a contest is no child's play, and both, I think, will be willing to let the matter drop and treat each other courteously in future. The result of this fight has rather discouraged the whigs, who do not now think the doctor as "*lamb-like*," as they did previous to the affray. The result certainly astonished me, as I never suspected him for being pugnacious, but I am told he is a ready, expert fightist, and equally ready with the pistol or knife ; but, with that, a very mild and gentlemanly man — as much so as any I know. I think he is quite an acquisition to the democratic cause, and, now that he has got his name up for a fightist, I think his blustering opponents will not attempt again to run over him.

I am of opinion that the democracy will insist on, and hold another convention, and I hope the nominees of the late convention will submit to its decision. Chapman will doubtless be renominated, but I doubt whether Conway will be. All like him as a man and a good officer.

But there has been so much said about the monopoly of all the offices by one family, that I think Conway's chance to be elected a very doubtful one ; and I think no member of it ought to have consented to be nominated. Friends all well, times hard, and money scarce, but I think we have some ap-

pearance of improving times. Please present my best wishes to Mrs. Fulton and Colonel Sevier, and Judge Cross and friends.

In haste.

Yours truly,

WM. E. WOODRUFF.

[NOTE BY THE AUTHOR.— In the latter part of January, 1844, a duel was fought in the Indian territory opposite Fort Smith, between Doctor Solon Borland, democratic editor of the *Gazette*, and Benjamin Borden, whig editor of the *Banner*. Ex-Governor Henry M. Rector was Doctor Borland's second, and J. B. Cates was Mr. Borden's second. At the command fire, Borden's pistol was accidentally discharged in the ground. Doctor Borland took deliberate aim, and the ball from his pistol struck his adversary in the region of the heart, but was warded off by striking a rib. The Hon. Jesse Turner of Van Buren was present, from whom the author derives the facts.]

Lewis Randolph and his Wife — Pretty Betty Martin, of the White House.

Elizabeth A. Martin, niece of President Jackson's wife, spent several years at the White House during the administration of her celebrated uncle, under the care of her aunt, Mrs. Donaldson, then mistress of the White House. She was a celebrated beauty, then known throughout the United States as "Pretty Betty Martin of the White House," celebrated no less for beauty than for her gentle and amiable character.

No young lady ever had more admirers and suitors. From the multitude who sued for the relation of husband, she rewarded the handsome and the amiable Lewis Randolph, who was the grandson of President Jefferson. The nuptials were celebrated in the White House in presence of foreign ministers, cabinet officers, and a brilliant assemblage of American dignitaries. The president gave the bride away. Randolph was poor, deserving and energetic, and had the entire confidence of the president.

General Jackson always had an eye to business; he had owned a large mercantile establishment in the Yazoo country when Mississippi was a territory. In connection with Judge John Overton, John C. McLemore and General James Winchester of Tennessee, he had bought the John Rice grant of five thousand acres on which Memphis is located, and an additional five thousand acres adjoining. These four surveyed and laid off the town of Memphis in 1826, and realized fine

profits. General Jackson then had his trusted friend, William S. Fulton, secretary to the territory of Arkansas, at Little Rock. He wanted to do something for Randolph, to enable him to take advantage of the tide then setting to Arkansas, and appointed him secretary to the territory, about the time he appointed Fulton governor of the territory. Parties in Tennessee furnished the money to Randolph, with which he entered a large body of land in Arkansas, on joint account with the capitalists. Randolph came with his young bride to Arkansas, and opened up a plantation in the dense forests of Clark county, then remote from any settlement. Here the little heroic beauty of the White House, for the love she bore her liege lord, became a hermit in the wilderness.

Judge John T. Jones in a recent letter to the author says: "Lewis Randolph was a grandson of President Jefferson. He died in Clark county in 1838, on a place he had then recently settled, in an unbroken forest, remote from any other settlement. His fatal illness was incident to exposure on a trip down the Terre Noir, Little Missouri and Washita rivers to Ecure Fabre, now Camden, to obtain supplies. His vessel was dug out of a huge forest tree, and afforded no protection from above during his two weeks' exposure on the trip. He left a charming young widow, who had shared his trials bravely, and a bright boy, who died before Mrs. Randolph's second marriage to Major Andrew J. Donaldson.

"My wife was brought up in Nashville, Tennessee, and was the intimate friend of 'Pretty Betty Martin,' and the Donaldson family. Randolph's remains still rest in a neglected spot on the plantation he settled, perhaps only known to Doctor Smith, now the oldest citizen of Clark county. After her marriage with Major Donaldson, she accompanied him on his foreign mission, and his landed estate in Arkansas was swallowed up by taxes and tax-titles. One of her daughters married Mr. Wilcox of Texas, who afterward represented his district in congress."

This amiable lady, once of national renown, could and did with equal grace, adorn a cabin in the wilderness and the palaces of foreign courts. The following letters from Mrs. Randolph and General Jackson explain themselves.

CLIFTON, TENN., *October 26, 1838.*

Mrs. MATILDA FULTON, *care of the Hon. W. S. Fulton, Washington City, D. C. :*

MY DEAR MRS. FULTON — I have long wished to write to you and have delayed it, hoping you would not forget your friend and write first ; but I suppose your time is fully occupied with the gay world by which you have been surrounded, and the care of your family ; so you have only written to your friends at Little Rock, who will admit no excuse. And now, dear friend, that I have commenced a correspondence, I hope you will not let it drop. I will always feel interested in the welfare of your family.

When you write tell me what each of the children are doing, what they are learning and how much they have grown. I would like so much to see little "Ri" as we used to call her. I expect Lewis has outgrown her, for he is very large for his age, and mischievous and wild as a deer. He is going constantly from sunrise to sunset. His health has improved since we left Arkansas. You have heard of the sad scenes through which I passed before leaving your State, and I am sure felt for me. But I will try not to think of these in writing to you ; the remembrance makes my heart sick. Let me recall the happy days we spent in your hospitable home — they are among the happiest of my life ; how can I thank you for your motherly kindness ; it can never be forgotten by me.

I met Mrs. McKinley and Mrs. Catron at the Hermitage a few days since. Mrs. Catron told me she had seen you frequently last winter, and would see you again. She said you were very gay, and seemed to enjoy the dance very much. Has Elizabeth turned out ? How is she pleased with Washington ? I believe your husband has not had an opportunity to send me the likeness of President Jefferson, purchased by Lewis. Please request him to send it to George H. Martin (firm of Harper & Martin), Philadelphia. He will have it sent to me by one of the Nashville merchants. Governor Fulton will write a note to cousin George, saying it belongs to me, and he will pay expenses. I hope to see you in Tennessee before many years pass away. I never expect to see Little Rock again, unless business compels me to go. My interest is in Arkansas en-

tirely. I have not heard from the plantation since June, but it cannot be remedied now. A woman can do nothing but bear with fortitude the ills that lay before her. My dream of *happiness* is past and gone *forever*.

But I have still a comforter in my sweet child, a good home and many kind friends, and should be thankful that these are spared me, but my heart will rebel — I never can be reconciled to the loss of Lewis. You knew him, dear friend; still but one-half of his amiable, benevolent, noble character was known to you. When the sad reality passes before me I wonder that my brain is not seared. Oh, may you never know the suffering of a widowed heart, my eyes are blind with tears, and I am almost choked. Remember me affectionately to your husband, Elizabeth, Hickory, Sophia, and "Ri." They are all dear to me. Do write to me, and believe me your sincere friend.

ELIZABETH A. RANDOLPH.

HERMITAGE, *January 29, 1838.*

The HON. WILLIAM S. FULTON, *Senator in Congress, City of Washington, D. C.:*

DEAR SIR — I inclose you a letter from Elizabeth Randolph, who wishes your advice — how she can proceed to have titles made, to those to whom Mr. Randolph stood bound for land entered by him on special agreement. Mr. Randolph died without will. It, therefore, depends upon statutory provisions, how far an administrator is empowered to convey, or make partition. You, being acquainted with the statutory laws of Arkansas, she prays your advice. Can I ask you to call on the commissioner of the general land office, and ask him whether the returns are complete in his office, so patents can issue on the lands entered by Mr. Lewis Randolph; and if not, what is wanted, and advise Mrs. Randolph of the situation. Mrs. Randolph is anxious to have the deeds made, and for this purpose the grants issued, and the gentlemen interested are anxious to have partition and titles made.

Give my respects to Mr. Whitecomb, and say to him it is a widow who makes the inquiries for the benefit of an orphan child, and I am sure he will impart with pleasure the desired



GEN. ALBERT PIKE.

information. If there is not some statutory provision authorizing administrators to make partition, she will have to apply to a court of chancery, which is tedious, expensive and vexatious. There is nothing but harmony among all concerned, and, if there is legal power, all will be done amicably. I would be pleased to hear from you on all matters, and particularly on the subject of the divorce bill, and whether it will pass.*

I am still confined to the house, I might say to my room, and whether I may weather the month of March Providence only knows. If spared to summer I will endeavor to travel. Live or die my friendship will remain yours.

Very respectfully,

ANDREW JACKSON.

GENERAL ALBERT PIKE.

AUTOBIOGRAPHY.

WASHINGTON, *August 15, 1886.*

JOHN HALLUM, Esqr.:

DEAR SIR — I have often refused to write an autobiographical sketch for publication, not through delicacy or modesty, but because I could truly say, with the "ready knife-guider,"

"Stay, God bless you!

I have none to tell, sir."

none I know that would be worth any one's reading. I am perfectly conscious that I have no aptitude for that kind of authorship; and that if I were to undertake it, the result would be stale, flat and unprofitable. But it requires no gift of authorship to give you the simple dates you ask for, and I do it with pleasure.

I was born in Boston, in Massachusetts, on the 29th of December, 1809, and well remember the illumination on account of the conclusion of peace with Great Britain, in 1815. My father removed to Newburyport, in the same State, when I was about four years of age, and remained there until his death; and I was reared there. I was educated, part at the primary and grammar schools there, at a private school, and at an academy at Farmingham in

* By the divorce bill is meant that the fiscal affairs of the government must be conducted independent of national and State banks.—AUTHOR.

the same State, in succession; and in August, 1824, I passed an examination and entered the freshman class at Harvard. To earn money to pay for my board and tuition at college, it was necessary that I should teach, and at the same time pursue my studies. I did so for six months, that fall and winter, at Gloucester, and then returned home and studied there, fitting myself to enter the junior class. But when I went to Harvard, in the fall of 1825, to enter that class, and had passed the examination, I was informed that to enter the class, I must pay the tuition-fees for the two years, Freshman and Sophomore. I declined to do so, and afterward educated myself, going through the junior and senior classes, while teaching. I taught in the town of Fairham six months; then in the grammar school at Newburyport, first as assistant, then as Principal; and afterward for two or three years taught a private school there, until March, 1831, when I went to the west, and from St. Louis with a trading party to Santá Fe.

In September, 1832, I joined a trapping party at Taos, and went down the Pecos river, and into the staked plains, where five of us left the main party, and on the 10th of December, 1832, reached Fort Smith. During the time between my arrival there and October, 1833, I was in Fort Smith, the guest of good old Captain John Rogers for some weeks, and afterward until spring of Captain Francis Aldridge, on the other side of the river, then taught school below Van Buren, and on Little Piney; met Robert Crittenden there, and was afterward, at his instance, written to by Charles P. Bertrand to go to Little Rock and assist in editing the *Advocate*.

The territorial legislature was in session, when I reached Little Rock in October, and I was a few days after elected Assistant Secretary of the Council, and served as such until the end of the session, making many acquaintances and some life-long friends; at the same time working in the *Advocate* office, which I continued to do, learning to set type and editing, and at intervals reading the first volume of Blackstone, until October, 1834. That winter, when I had read only the first volume, Thomas J. Lacy, of the territorial superior court, gave me a license to practice law, saying it was not like giving a medical diploma, because as a lawyer I could not take any one's life.

On the 10th of October, 1834, I was married at the house of Colonel Terrence Farrelly, by James H. Lucas, probate judge. In the spring of 1835 I bought the *Advocate* of Bertrand for \$2,500, and soon afterward William Cummins offered me a partnership in the law, which was formed then and continued for several years. The first court that I attended was a territorial court, held at Columbia, Chicot county, by Judge Thomas J. Lacy; and the next was at Helena, also held by him. I owned the *Advocate*, and was editor and type-setter, and generally useful in the office, for two years and three months; and then sold it for \$1,500, and after trying for a year to collect the accounts due the office, I one day put the books into the stove, where they served for fuel, and I had no further trouble with the accounts.

I was my own teacher in the law; soon began to get together a law library, and in 1839, began to purchase other books, and to read them, never sleeping more than five or six hours of the twenty-four, which was indeed my rule for forty years. In 1840 I was elected attorney of the Real Estate Bank, and in 1842 of its trustees, holding the two offices in succession during some twelve years, one year of which I was in the military service of the United States, commanding a squadron in the regiment of Archibald Yell. Two gentlemen who were practising law in Arkansas before I was are still living—Jesse Turner of Van Buren, and Grandison D. Royston of Washington. Judge Edward Cross of the superior court of the territory, a man whom the people of Arkansas ought to delight to honor, is also living. When I came to the bar, in 1835, there were among other lawyers, William Cummins, Absalom Fowler, Daniel Ringo, Chester Ashley and Samuel S. Hall, at Little Rock. Robert Crittenden was practising in 1834, and I was on a jury in a case before Judge Benjamin Johnson in that year, in which he was of counsel. He died in December, 1834, at Vicksburgh. Ambrose H. Sevier I never saw at the bar. Parrott and Odin had died before I went to Little Rock. Judge William Trimble (of Washington, I think) was then an old member of the bar, as was Colonel Horner of Helena. Thomas B. Hanly had lately come to Helena from Louisiana. I do not remember whether Major Thomas Hubbard and George

Conway were practicing at Washington as early as 1835, but I think they were. Judge Andrew Scott had been a judge of the territorial superior court. I was at his house at Scotia, in Pope county, in 1833, and he lived several years afterward, but never practiced. Frederick W. Trapnall and John W. Cocks came from Kentucky to Little Rock in 1836, as did William C. Scott from Maryland, and his partner Blanchard (from Kentucky, I think), who was killed by a steamboat explosion at Helena. I think that Samuel H. Hempstead and John J. Clendenin also came in 1836.

I practiced at Little Rock, in Chicot county, at Helena (when John B. Floyd, though a planter, also practiced there), at the courts in Conway, Johnson, Pope and Crawford counties, and beginning a few years later in Saline, Clark, Hempstead and Lafayette; and still later in Dallas, Ouichita and Union, riding the circuit on horseback twice a year for some ten years, and afterward traveling in a buggy; of course I also practiced in the supreme court of the State, and the district and circuit courts of the United States at Little Rock; and in 1846 (I think) I was admitted to the bar of the supreme court of the United States, and afterward practiced there. Abraham Lincoln and Hannibal Hamlin were admitted to the bar of that court at same time with myself.

There is no judge now on the supreme bench here, who was on it when I was admitted; and several who were placed on it after my admission have since died. I ceased to practice there and everywhere else six or seven years ago, and have never been in a court-room since, so that I have never even seen any one of those who have been appointed since Judge Harlan.

Judge David Walker of Arkansas was at the bar there, some years before I was. So was John Linton of Conway county; and Judges Hoge and Sneed of Washington county. I don't know at what time John M. Wilson of Johnson county, and Alfred W. Wilson of Fayetteville commenced to practice.

When I went to my first court in Crawford county, at Crawford Old Court House, Archibald Yell came there as a lawyer, and came near being drowned in crossing the Arkansas on the ice, as Judge Johnson, Fowler and myself crossed. I remember that nineteen lawyers, of whom I was one, half the others

The first part of the book is devoted to a general history of the United States, from the discovery of the continent to the present time. It is divided into three volumes, each of which contains a complete and accurate history of the country, from the first settlement to the present time. The first volume contains the history of the original thirteen states, from the first settlement to the year 1789. The second volume contains the history of the United States, from the year 1789 to the year 1861. The third volume contains the history of the United States, from the year 1861 to the present time. The second part of the book is devoted to a general history of the world, from the beginning of the world to the present time. It is divided into three volumes, each of which contains a complete and accurate history of the world, from the beginning of the world to the present time. The first volume contains the history of the world, from the beginning of the world to the year 1000. The second volume contains the history of the world, from the year 1000 to the year 1500. The third volume contains the history of the world, from the year 1500 to the present time.

or more being from Fayetteville, slept in one room, and in the court-room, under it a faro bank was operated every night. Richard C. S. Brown, afterward judge, was also a lawyer in those days, whether of earlier date than myself I do not remember; and my memory is at fault in the same way in regard to Bennett H. Martin of Pope county, and Philander Little of St. Francis county. Most of my old friends are dead now: Samuel W. Williams, and Judge Rose, with Jesse Turner and Grandison D. Royston can tell you what was said and thought of me as a lawyer.

I had forgotten to say that in 1851 or 1852 I determined to exchange the practice in Arkansas for that in Louisiana, and proceeded to purchase the Pandects and the civil law books, Latin and French, and to study them, my first necessity being to learn both languages over again, for in twenty years' disuse I had become unable to read either. I was then in partnership with Ebenezer Cummins, and this partnership ceased in 1853, when I transferred my office to New Orleans and formed a partnership with Logan Hunter. It was required then that an applicant for admission to the bar of the supreme court should be first examined by a committee, and then in open court. In the former, the examination in regard to the civil law consisted of the one question, put by the venerable old French jurist (I cannot recollect his name), who was the representative of that law on the committee: "What works have you read on the Roman law?" I answered: "I have read the Pandects and made a translation into English in writing of the first book." He was perfectly satisfied with this, and it was true. I had also read the twenty-two volumes of Durantor, several volumes of Pothier, the five volumes of Marcadé (the highest authority of all — higher than all the courts of France — and out of sight the most admirable of all writers on the law) and other works.

I may add here that I never have lost my fondness for the Roman law; and that after I came to Washington, in 1868 to reside, I commenced, and with the labor of some years completed, a work concerning all the maxims of the Roman and French law, with the comments upon them of the French courts and text writers, and of the Pandects. It would make

three volumes of goodly size; but it remains, with other unpublished works of mine, in the library of the supreme court, because it would not pay a book-seller to publish such a book; and I have had since the war, no means wherewith to publish it for myself, as I should surely have done, if the government of the United States had paid the award of the senate in favor of the Choctaws, which I with others obtained in March, 1859; or if the supreme court of the United States had not, in violation of all law and justice, deprived Henry M. Rector of the Hot Springs, to which he had as good a title as I have to the pen that I am writing with.

The examination in open court was waived, Mr. Chief Justice Slidell saying: "The court is well advised in regard to the legal examination of Mr. Pike, and knows it to be unnecessary to examine him," and so I was sworn and admitted.

I have had but three compliments paid me that I valued more. One was in 1844, when going to the pavilion at Louisville to listen to whig speeches that were to be made there, not thinking of being known by any one. Ben. P. Gaines of Chicot began calling for me and I *had* to speak, and the ladies sent me a scarf and ring: One at Charleston (in 1855) at the commercial convention, when I carried, against strong opponents the resolutions that I offered in regard to a Pacific railroad: And the third was in Washington about 1856 when Major John F. Lee, judge-advocate-general, [whom some in Little Rock may recollect as in 1840 and before and after in charge of the arsenal there,] introduced me to General Scott, who said: "Captain Pike! Oh, we don't consider him as being any better than one of ourselves." Permit me to add, that as long ago forgotten, that I was the first proposer of a Pacific railroad convention.

At my suggestion, the legislature of Arkansas invited the southern States to send delegates to Memphis, to form such a convention, and it was held accordingly. I could not attend it, and William M. McPherson of Chicot county (afterward of St. Louis) was sent as a delegate, I and others paying his expenses. The next year another was held there which I attended, and then followed others at Charleston, New Orleans and Savannah, at which I was present, representing Louisiana, at Savannah,

where I opposed a resolution offered in favor of a renewal of the slave trade, and afterward declined to attend the one at Knoxville, because that subject had been agitated and the resolution was likely to be offered again. After that, at Charleston, I went to Baton Rouge, was invited to address the legislature and did so, and obtained the passage of a charter for a Pacific railroad, with termini on the Pacific at San Francisco and *Guaymas*. We can go by rail to the latter place now, but I have not yet done so, though I did, in 1883, go by the Southern Pacific to Los Angeles, and could and ought to have gone to Guaymas.

I was engaged in the practice in New Orleans three seasons; but then abandoned it, because Indian claims which I was prosecuting compelled me to be in Washington the whole of the winter of 1855 and 1856, and prevented my attending the courts in New Orleans during the larger part of each season. I, therefore, resumed my practice in Arkansas in 1857.

ALBERT PIKE.

General Pike was a whig. Whilst teaching school in Arkansas he wrote a series of articles on the political topics of the day, under the *nom-de-plume* of Casca, which were published in the *Advocate*, the organ of the Crittenden party. The ability manifested in these articles attracted much attention, and excited great curiosity in the public to know the author. For a time the authorship was attributed to that polished scholar, James Woodson Bates, "the Chesterfield of the west;" but he publicly disclaimed the paternity, at the same time acknowledging the great ability of Casca. The Hon. Jesse Turner informs the author that these articles were copied as editorials by Horace Greeley in the *Tribune*—literary larceny of the worst character. The high standing of Judge Turner imparts verity to all he says, and the author adopts the statement as a *fact*.

Robert Crittenden, after much delay and inquiry, ascertained the name and residence of the brilliant young whig, and at once, in company with his whig friend, Judge Jesse Turner, went to see him, with the view of adding him to the editorial staff of the *Advocate*, in connection with Charles P. Bertrand. They found the schoolmaster in a small, primitive

log cabin, on Little Piney river, in September, 1833. He boarded in a similar structure with Abraham Smith, to which the trio repaired for much converse. Pike was then twenty-three, Turner twenty-eight, and Crittenden thirty-seven years old. This trio of brilliant men conversed nearly all night in the wilderness; and Crittenden said to Judge Turner, as they rode off next day: "Pike is a very brilliant young man." Crittenden accomplished his mission; he returned to Little Rock, and the next post-boy through the wilds of Arkansas carried a letter from Bertrand, the owner of the *Advocate*, to Pike, inviting him to a seat on the editorial tripod.

His capacity for brain-work surpasses that of any man known to our literature, and for forty years it equaled that of Bonaparte, when engaged in his celebrated campaigns. These studious habits were stimulated by an insatiable desire for knowledge from every field of science, and were supported by an amazing memory, and one of the finest brains and physical constitutions ever given to man. It will be readily seen that this exceedingly rare combination of faculties lead to the highest degrees of attainment. They have made him the Homer of America, the Zoroaster of modern Asia, a profound philosopher, a great jurist, a great philologist, a profound ethnologist, and a great statesman, perfectly freed from the arts of the demagogue, and all the debasing factors which stimulate ambition to pander to the frailties of man. The world produces but few such men.

In the estimation of the author he is, without doubt or rival, the greatest of American poets; but with no desire to forestall or anticipate the opinion of the best judges and critics, we give liberal extracts and copy two lyric poems from his pen entire, that the reader may judge for himself. But we present first the judgment of the high Scottish Savant, Christopher North, as to the merits of that youthful production, "Hymns to the Gods," written in his twentieth year. We copy from a recent periodical furnished the author by Colonel E. C. Boudinot :

"Nearly half a century ago Albert Pike contributed to *Blackwood's Magazine* a poem of more than six hundred lines, called 'Hymns to the Gods.' A letter from the poet to the famous editor of the great Edinburgh periodical, tendering his poem

for publication, 'with many misgivings,' is printed at the end of the verses in the June, 1839, number of the magazine, a time-stained copy of which, bearing the written address 'Glasgow Coffee Rooms,' has strayed into our hands, and following this letter are some genial characteristic words of welcome and praise, from Christopher North. We reproduce the poet's letter and the comments of 'C. N.'"

LITTLE ROCK, STATE OF ARKANSAS, *August 15, 1838.*

SIR — It is with much doubt and many misgivings. I have been induced, by the entreaties of some friends in Boston, to send the accompanying trifles in verse from this remote corner of the Union — beyond the Mississippi. I would fain believe them worthy a place in your estimable maga. which regularly reaches me *here*, one thousand miles from New York, within six or seven weeks of its publication in Edinburgh, and is duly welcomed as it deserves. Should you judge them worthy of publication, accept them as a testimonial of respect offered by one resident in south-western forests, to him whose brilliant talents have endeared him, not only to every English, but to multitudes of American bosoms, equally dear as Christopher North and Professor Wilson.

Most respectfully, sir,

Your obedient servant,

ALBERT PIKE.

To which the great editor of *Blackwood's Magazine* replied in a foot-note to "Hymns to the Gods," published in that periodical, as follows:

These fine hymns, which entitle their author to take his place in the highest order of his country's poets, reached us only a week or two ago, though Mr. Pike's most gratifying letter is dated so far back as August, and we mention this that he may not suppose such composition could have lain unhonored in our repositories from autumn to spring: His packet was accompanied by a letter — not less gratifying — from Mr. Isaac C. Pray, dated New York, April 20, 1839, and we hope that before many weeks have elapsed the friends, though perhaps then almost as far distant from each other as from us, may accept this, our brotherly salutation from our side of the Atlantic. — C. N.

The following lyric poem is one of the sweetest gems we have ever read. It was written in 1870.

SONG.

BY GENERAL ALBERT PIKE.

"AFTER THE MIDNIGHT COMETH MORN."

[For Señorita Carolina Cassard.]

*The Years come and the Years go,
And the leaves of life keep falling,
Carrie! falling;
And across the sunless rivers flow,
With accents soft and whispers low,
The friends long lost are calling,
Carrie! calling;*

*While Autumn his red glory wears,
And clouds oppress the sky, like cares:—*

*But the old griefs die, and new joys are born,
And after the Midnight cometh Morn.*

*The Years wake, and the Years sleep,
And the Past is full of sorrow,*

Carrie ! sorrow;

*The thoughtless laughs and the thoughtful weeps,
And each the fruit of his follies reaps,*

For To-day is the Fate of To-morrow,

Carrie ! to-morrow;

But new loves tempt us to forget

The old, and old friends love us yet:—

*So the old griefs die, and new joys are born,
And after the Midnight cometh Morn.*

*The Years laugh, and the Years sigh,
But the flowers for you are blowing,*

Carrie ! blowing;

*As Girlhood's days go dancing by,
And Womanhood's blithe May is nigh,*

With hopes and fancies glowing,

Carrie ! glowing;

*While love his net for you prepares,
And lurks to catch you unawares:—*

*And the old griefs die, and new joys are born,
And after the Midnight cometh Morn.*

*The Years live, and the Years die,
And all they touch they sadden,*

Carrie ! sadden;

*But still the heart can time defy,
Hope still with purple flush our sky,*

And sober friendship gladden,

Carrie ! gladden;

*And well as we have loved before,
In Autumn we can love once more:—*

*For the old griefs die, and new joys are born,
And after the Midnight cometh Morn.*

1870.

After making this and other selections from the poetic creations of General Pike, to indicate the great perfection and versatility of his rare genius in so many fields, I addressed him a letter craving permission to publish them, and received the following reply, not having read "Every Year," before its receipt:

WASHINGTON, 20th Sept., 1886.

JOHN HALLUM, Esq.:

I am quite willing that you should publish any thing of mine that you wish to publish. I send you with this "Every Year" which pleases *me* as much as any lines I ever wrote; but I do not mean by sending it to interfere with your selection and choice. I will find time by and by to write down what I remember about Robert Crittenden, Ben Desha and some others.

Very truly yours,

ALBERT PIKE.

The wandering minstrels of Greece, never tuned the lyre to a more touching Idyl, than "Every Year."

EVERY YEAR.

BY ALBERT PIKE.

*Life is a count of losses,
Every year;
For the weak are heavier crosses,
Every year;
Lost Springs with sobs replying
Unto weary Autumns' sighing,
While those we love are dying,
Every year.*

*The days have less of gladness,
Every year;
The nights more weight of sadness,
Every year;
Fair Springs no longer charm us,
The winds and weather harm us,
The threats of Death alarm us,
Every year.*

*There come new cares and sorrows,
Every year;
Dark days and darker morrows,
Every year;
The ghosts of dead loves haunt us,
The ghosts of changed friends taunt us,
And disappointments daunt us,
Every year.*

*To the Past go more dead faces,
Every year;
As the loved leave vacant places,
Every year;
Everywhere the sad eyes meet us,
In the evening's dusk they greet us,
And to come to them entreat us,
Every year.*

*"You are growing old," they tell us,
"Every year;
"You are more alone," they tell us,
"Every year;
"You can win no new affection,
"You have only recollection,
"Deeper sorrow and dejection,
"Every year."*

*Too true ! — Life's shores are shifting,
 Every year;
 And we are seaward drifting,
 Every year;
 Old places, changing, fret us,
 The living more forget us,
 There are fewer to regret us,
 Every year.*

*But the truer life draws nigher,
 Every year;
 And its Morning-star climbs higher,
 Every year;
 Earth's hold on us grows slighter,
 And the heavy burthen lighter,
 And the Dawn Immortal brighter,
 Every year.*

For sublimity of thought, grasp of poetic conception, and beauty of expression, "Ariel" stands unsurpassed in our own, or any other age or tongue. It is a poem of forty-eight stanzas, three hundred and eighty-four lines, from which the following extracts are taken :

I.

I had a dream : Methought Ariel came,
 And bade me follow him ; and I arose :
 Lighter my body seemed than subtle flame,
 Or than the invisible wind that always blows
 Above the clouds. So upward I did aim,
 With quick flight, as the sky-lark sunward goes,—
 Led by the splendor of Ariel's wing,
 Whose snowy light before fled, glittering.

II.

So, floating upward through the roseate air,
 And through the wide interstices of cloud,
 We climbed the mist-hills, till we halted, where
 The frowning peaks beneath the azure glowed;
 Then gazed I all around ;— no sun blazed there,
 But crimson light through the pure ether flowed,
 And dimmed the moon's eye and the stars' white cones,
 Till they were scarce seen on their golden thrones.

III.

Awhile we trod along the quivering peaks
 Of foaming cloud ; over entangled rifts
 Of purple light ; through crimson-misted breaks ;
 And saw blue lightning crouching in white drifts,
 Restless and quivering, while the broad, deep lakes
 Of vapor tremble as he stirs and shifts,
 Waked by the diapason of the thunder,
 That swells upon the wild wind rushing under.

IV.

* * * * * * *
 Deep in a rift in a vast glacier torn :—
 We stepped on board,— we loosed her from the bank ;
 Our thirsty sail, spread wide, the breezes drank.

V.

And swiftly then our winged bark flew on,
 While I sat looking downward from the prow ;
 * * * * * * *
 Over smooth lakes, sea-green, with golden glow,
 * * * * * * *

VII.

And then we issued to the open vast
 Of cloudless air above ; and while the sail
 Its silver shade upon my forehead cast, —
 Like lightning or swift thought, before the gale
 Fled our bright barque. Strange wonders there we passed,
 Currents of astral light, cold, thin and pale,
 Strange, voiceless birds that never sink to earth,
 And troops of fairies, dancing in mad mirth.

VIII.

* * * * * * *

IX.

Then, bending from the helm, Ariel gazed
 With keen eyes downward through the mighty vast,
 And waved his hand. * * * *

His poetic works embrace a volume, *privately printed*, and distributed to a few friends only. His talent as lawyer and jurist, assured him constant and great professional employment. His connection with the old Real Estate Bank opened up a large field of important litigation. The Choctaw award by the senate of the United States, to which he alludes in his autobi-

ography, was one of the many great cases argued by him. He was attorney for the Choctaw Indians, for a great number of years, to press their just claims against the United States, for compensation for more than ten millions of acres of land in Mississippi, ceded by them to the government. These treaties embrace a period, extending from 1786, to 1855. The history of this claim, illustrates the struggles of the weak with the strong, in all ages. After many years of vexatious delay, the senate of the United States, was constituted an umpire, between the Choctaws and the government, and on the 9th of March, 1859, awarded the Choctaws \$2,981,247.30. Many committees, of both senate and house, have urged the justice of this claim; but it yet remains unpaid, to our national shame.

In each of these reports, the opinion is expressed, that the *grossest injustice*, was done to the Choctaws in the adjustment, and statement of the account. A committee of the house, in 1874, uses the following language in reference to this claim: "Your committee concur in these conclusions, and express the conviction that any person who now for the first time examines this claim, will be amazed at the persistent and long-continued injustice, with which we have treated them, and by which we have deprived them of that which is legally and justly due them. The story of the wrongs inflicted on these people, is too long to be fully embraced in a mere report." A fee of \$300,000 is due General Pike in this case alone.

Governor Rector's claim to the Hot Springs, is another strong illustration, of the imposition the weak are often compelled to suffer at the hands of the strong.

In 1846, General Pike recruited a company of cavalry, for service in the Mexican war, which was incorporated in the regiment commanded by Governor Yell. After the battle of Buena Vista, in which Governor Yell fell, General Pike wrote some caustic criticisms on the conduct of the war, which were published extensively through the State. These articles caused much friction, and distress in some quarters, and resulted in a duel in August, 1848, between General Pike, and Governor John S. Roane. My friend Governor Henry M. Rector, one of the seconds, has given me the following account of the duel:

LITTLE ROCK, *April 16, 1887.*

MY DEAR HALLUM — As you have it, the duel between Pike and Roane, resulted from criticisms [as I recollect], of Roane's military career in Mexico by Pike — this is my recollection — that Pike was the assailant, but I am not sure of this even. At the time I resided in the country, came to town seldom, and paid but little attention to newspaper affairs. What I do know of the matter is as follows: While engaged on my farm in Saline county, I received by messenger, a note from my friend, Colonel Robert W. Johnson, informing me that our mutual friend Colonel John S. Roane, was in trouble with Albert Pike; that a challenge had passed and was accepted, and that Roane desired him and myself to act as his seconds. We did so. Doctor Phillip Burton of Little Rock was Roane's surgeon; Luther Chase of Little Rock, and a gentleman from Van Buren, were Pike's seconds. Doctor Thruston, late of Van Buren, I know was there, and perhaps in the capacity of surgeon.* Roane, Johnson, Burton and myself, traveled to Fort Smith on horseback, where we accepted the hospitality of Major Elias Rector, who lived in the vicinity; we tarried there two days for rest and recreation. The duel was fought on the sand-bar in the Indian territory opposite Fort Smith. Roane was practiced while at Rector's and shot with great accuracy. Pike, it was said, was equally expert. The morning was bright and balmy. A few spectators were present, among them some Indians; all observers, however, were kept at a distance. The ground was stepped off, and positions chosen by lot; Pike stood up stream, Roane down. The pistols were as elegant specimens as I ever saw. I was in the habit, at that period of my life, of killing deer running, with single ball rifle, and turkeys on the wing, and calculated on a funeral, instead of a banquet on this occasion. The distance was ten paces. Both gentlemen came to their positions as calm and cool as possible. Pike's indifference, and deliberation impressed me—he was smoking a cigar enjoyably, until the moment when the principals were called for the word, and both responded, "ready." The first shots were exchanged without injury, and Roane, the challenging party, demanded another fire, which was accorded, and the second fire resulted like the

* He was both second and surgeon to his life-long friend. — THE AUTHOR.

first; but the ball passed in close proximity to Roane's ear. Roane demanded the third fire, which was accorded, Colonel Johnson concurring in the request for the third fire. To this, I dissented in the most positive terms, and some heated discussion ensued between Colonel Johnson and myself, and he finally yielded to my views and the duel was stopped. A reconciliation resulted, and all parties adjourned to a banquet in Fort Smith. Pike and Roane were afterward friends and companions.

Truly yours,

H. M. RECTOR.

General Pike is not hot-headed and impulsive, but he has the courage of his convictions in an eminent degree. His courage, both moral and physical, is of the highest order. He has never been a place-hunter, his own great soul "with an upward victorious soar" has "conquered the summit of the rock," and reached a goal infinitely higher than the heraldry of office. Had he been willing to stoop for office, or compromise with principle, he had only to change from whig to democrat, to hold Arkansas in the palm of his hand.

In "AN EVENING CONVERSATION," one of his charming poems, he mirrors his own nature in the following lines:

"What service to his country can one do,
 In the wild warfare of the present age?
 Who fights the gladiator without skill,
 Fights without arms. Why! he must lie, and cheat
 By false pretenses, double and turn at will;
 Profess whatever doctrine suits the time,
 Juggle and trick with words, in every thing
 Be a base counterfeit, and fawn and crouch
 Upon the level of the baser sort."

This manly expression of thought, and individual pride, is sanctioned in the practice of a long life. The lesson taught in his life, opens up a fount of inspiration to noble youth, where they may drink without exhaustion, as long as wisdom and all that is good and great is honored by man. Not only the youth, desiring to compass the boundaries of human attainment, but the sage who has toiled to the end of three score and ten, find each, alike, something new to learn and admire, in the tran-

scendent genius of Albert Pike. If he has the ambition and the genius, to scale the dizzy heights of Parnassus, he may there learn from the greatest of American poets, to tune the lyre, and sweep the harp of immortal song. If to grasp a great and comprehensive science, as the foundation of enlightened government, he will find him master of the jurisprudence of his own country, and to possess a more extensive knowledge of Roman law, than any English scholar of this, or perhaps any other age.

Justinian, the great and enlightened Roman emperor, caused a compilation of fifty volumes, in the sixth century, of the decisions, writings and opinions, of the old Roman jurists, under the comprehensive title of "The Pandects of Justinian."

General Pike read this compilation in the Latin tongue, and translated a great part into English in writing, and has read all the works in the civil law by Latin and French authors of any celebrity. His work on the Maxims of Roman and French law, is within itself, a great achievement. The great scholar, has followed up Roman jurisprudence, through all of its mediæval roots and branches in central Europe, where it became, in the middle ages, the foster-mother of feudalism, which so long robbed man of his natural rights, and dwarfed him into vassalage. The Saxon, Gaelic and Anglo-Saxon plants of Roman jurisprudence, in their roots and combinations, to-day, pervade the major part of the jurisprudence of the civilized world. It came into the British Isles, with the conquest and pro-consulate of Cæsar, and from thence, into all the English colonies of the world. It is the great original, on which the jurisprudence of France and her colonies are based. Spain and Portugal are kindred Latin races, and they have planted the Roman system, wherever their arms and conquest have enabled them to plant colonies.

It is matter of profound interest, to lovers of philosophic literature, to trace the wisdom of the ancient Romans, as it to-day finds expression, in a great number and variety of our laws, modified to meet the requirements of man in this age, yet retaining the vigorous impress of the grand originals.

This field, vast as it appears to the ordinary scholar, was soon compassed by General Pike, who, like Alexander the Great, sought the distant plains of Asia to quench his thirst,

not for conquest over his fellow-man, but over one of the greatest fields, literature has reserved for modern times. Some idea of the vast scope of his designs, and magnitude of accomplishment, may be gathered from his herculean labors during the past decade, in translating and commenting on the Rig Vêda and Zend Avesta, and other works of Aryan literature.

The Rig Vêda is a compilation of the sacred literature of the Hindoos, as far back in the past, as letters and learning enable us to penetrate. The Zend Avesta is a compilation of the same character of sacred literature by Persian sages. This great work of General Pike's, has now attained to the dimensions of fifteen large manuscript volumes. A profound knowledge of ethnology and philology is involved, required and developed in this great work. The Aryan family of nations, is divided by ethnologists, into two grand divisions, each of which is subdivided into many subordinate or cognate divisions. Man originated with the Aryan race, and was rocked in its cradle on the plains of Asia in the beginning. From there, the race spread over the vast plains of central Asia, and, in the course of ages, over Europe; and this branch, including its roots, is known as the Indo-European division of the Aryan family.

This field of learning, and profound scholarly investigation, embraces not only all the living Aryan races, and a knowledge of their languages, but also includes, necessarily, a knowledge of the ancient Sanskrit and all other fossilized languages of the Aryan family of nations. The ancient Sanskrit, was the literary and sacred dialect of India, but for ages, has been numbered with the dead languages. Philologists tell us, it has been more perfectly preserved in its primitive purity, than any other dead language, and that it is closely allied to the modern Hindoo, the Persian and the principal languages of Europe, including the dead Latin and Greek languages, and that all have sprung from the Sanskrit, as a common ancestor or mother. Often the link between the living and the remote dead races and languages, is found in nothing but similarity of language.

Our great Philologist, Ethnologist and Oriental scholar follows up these linguistic monuments, through the dim and mystic shadows of the remote past, and tells us their relation to the races of to-day. The field is as intricate, as vast, and is only

equaled, by the genius which has undertaken to compass it. He is not only great in this field, but in all he undertakes is **ALBURTUS MAGNUS**. He is the grand commander of the thirty-third degree Scottish Rite Masons, the provincial grand master, of the grand lodge of the royal order of Scotland, and the most eminent Mason in the western hemisphere and, perhaps, of the world. He has contributed very largely, to the learned literature of the order, and is the author of several unpublished, manuscript volumes, of profound commentaries on Masonry.

He was an ardent supporter of the Confederacy, and was led in that direction, by nothing more than his great love for right, founded on constitutional sanctions. The non-observance of these sanctions, by the north, as manifested in nullification statutes and resistance to the fugitive slave law drove him into secession. He viewed aggressive abolitionism, as the inevitable forerunner of war. When constitutional barriers were deliberately broken down, he could see no protection for the south, except that confided to the god of battles, and the chivalry of a heroic race. He was not choice or technical, as to whether the appeal to arms was called secession or revolution, as the sword was to be the umpire in either case.

He had served with distinction in the Mexican war, and was no stranger to arms. The secession convention of Arkansas in May, 1861, accepted his services, and sent him to treat with the five civilized tribes on our western border, and to attach them to the south. He partially succeeded, and soon recruited a brigade of Cherokees, which he led in battle at Pea Ridge. The treachery and desertion of John Ross, the Cherokee chief, rendered it necessary for the south to keep an influential diplomat, to look over, and negotiate with the Indians, and General Pike was assigned to this service. For a short period, during the civil war, he was on the supreme bench of Arkansas, and the few opinions he delivered, are luminous expositions of law. His heart is a fountain of affection for his friends, whom he never forgets or neglects. Whilst these friends are not always chosen from the higher walks of life, they are all distinguished for fidelity to friends, and an unswerving devotion to principle.

Who, clothed with man's true and better nature, can read his touching letter, so full of noble and exalted inspiration, to his dying *friend*, the late Doctor Thruston of Van Buren, without having the fountains of his heart stirred — without the generous tribute of a tear to man's worth? It was Damon, speaking to Pythias, in his expiring moments, lighting his soul in a halo of love and light in its flight from the world. The humble and the great, meet on a common platform to pay tribute to the genius and exalted worth of Albert Pike. He is venerated in Arkansas. This was touchingly illustrated to the author at Danville, in August, 1886.

Learning that there was an old blind gentleman in the ancient village, who knew General Pike when he first came to the territory, I called on him at night, having more leisure at that hour, and was introduced to John Howell. Ancient pines studded the yard, and lifted their plumage high, to meet the gorgeous field of silver light, which came flooding through the soft, waving foliage. We retired to seats beneath the pines, that we might enjoy our commune without interruption. The quaint, garrulous, good, little, old man, bearing the burdens of three score and ten, blossoming for the great fruition beyond the dark river, with the windows of the soul forever closed against the world's light, embraces that profound Socratic philosophy which makes him the master of misfortune. He was delighted to hold converse with the friend of Albert Pike, and spoke of his humble and unpretending advent into Arkansas, dwelt on the Casca papers, Crittenden's visit to the young school teacher, his opinion of the brilliant young man, Christopher North's opinion of "Hymns to the Gods," his admission to the bar, and rapid upward flight to a seat where giants dwell, his advent in the supreme court of the United States in 1856, and the high eulogy passed on him by Daniel Webster, one of his auditors. Continuing, he said: "Arkansas had big guns in those days, more brains than any other given amount of population on the continent; there was Absalom Fowler, the knotty old Coke of the bar; David Walker, who carved his way with sledge-hammer force to the front rank of his profession; and Sam Hempstead, too; he was no orator, but a deep thinker; he builded a monument out of the statutes of

descents and distributions now so deeply rooted in our system ; and there was old John Linton, too, huge and rough, whose memory was an index, unerring, to the whole range of legal literature, a foeman to be dreaded and respected in any field ; and there was Chester Ashley, a man of great depth and scope of comprehension, who carved his way from poverty to fame and high distinction ; and there was old John Taylor, the cynic, the accomplished lawyer, whose satire and withering irony would make Juvenal blush ; and there was Jesse Turner, a rising young man, as proud as Lucifer, as brave as Cæsar, and the soul of honor. Billy Cummins was there too ; he could hold his hand with the best of them. Robert Crittenden, too, here in early times ; he was the greatest orator Arkansas ever had, but he passed off the stage as Pike was coming on. Old Ben. Johnson, the just judge, came in '21 and staid on the bench until death canceled his commission in 1848."

Here the old man's heart filled up, and the call of the old roll was suspended. The moon crept softly, down through the interstices of bright foliage above, into those rayless eyes, and kissed a tear on his furrowed cheek. His voice grew mellow and tremulous, as his memory spanned the years gone, and called up the few living and the many dead, in panoramic procession before his mental vision. Pausing, he said : " We all loved Pike ; he is one of the truly great men of this country." I would rather be baptized in the civic fame which inspired that tear from its crystal fount, than to have won the fields of Austerlitz, Marengo, Borodino, Lodi, Wagram, Leipzig and Eylau. Such homage as that, to true worth and unpretending greatness, is worth more to just fame than the pyramids ; in comparison, shafts of marble and spires of brass, dedicated to martial fame, retire into the background.

JUDGE J. M. HOGE, FAYETTEVILLE.

Judge Hoge was born in McMinnville, Warren county, Tennessee, in 1806. He was a sprightly, promising boy, and from an early age manifested a lively interest in public affairs. The events and results of the war of 1812, aroused an intense patriotic feeling in the boy far beyond his years. He was always at the post-office on the arrival of the semi-occasional mails of

those days; and, when news came of Jackson's great victory on the 8th of January, 1815, it threw the boy into the wildest ecstasies of delight, and he ran home from the post-office twirling his hat in the air and shouting at every jump: "Jackson has given the British hell!"

This was but typical of the great national heart, an echo of the universal joy of the nation, which was never satisfied, until the hero of that great event, was made president of the country he had glorified. This incident attracted the attention and admiration of the celebrated Felix Grundy, who was afterward a senator in congress and member of General Jackson's cabinet, being his attorney-general. Grundy recommended a classical education for the boy, and he was sent to the best institutions of learning in the State, and was graduated at college in Nashville, Tennessee, in his nineteenth year.

After graduation, Mr. Grundy invited him to his office, and he read law under him, and was admitted to the bar in 1827, and came to Washington county, Arkansas, the same year. He taught several sessions of school at Cane Hill, and then opened an office in Fayetteville, where he remained actively engaged in his profession for many years. In 1835, Judges Sneed and Hoge, were engaged on opposite sides in the trial of a cause at Fayetteville, in which much interest and feeling was manifested by both, each being equally zealous and fearless. This culminated in a severe fisticuff in open court and two pairs of damaged eyes. Judge Archibald Yell was on the bench; he considered each equally *particeps criminis*, and imposed a fine on both commensurate with the offense. Each was high spirited and generous to a fault. As soon as their faces were washed and their impulsive tempers cooled, they made friends, shook hands, and proceeded to the bar of the court to crave its indulgence and purge themselves of the flagrant contempt. Judge Hoge, for both, addressed the court and said: "If the court please, I have come here to confess, that I have acted like a great fool in the episode last evening, which has so deeply offended and wounded the dignity of the court; and Mr. Sneed, assures and authorizes me to say, that he did in all things duplicate my conduct and folly before this presence; and now we both, in sackcloth and ashes, deep humiliation and contrite sub-

mission, beg and crave pardon for our offense, and as money is, to us, an unknown factor, of which we have only learned by tradition handed down to us by our fathers, we hope the court will not persist in requiring the performance of impossible conditions. In fact, we feel assured, that the court will much better conserve its own dignity and fame, by remitting the onerous fine for which each have already been punished, and thus repel the implied assumption, that the court was imposed on in the indulgence of a violent presumption, that finance ever troubled or burthened either offender before the court, or any of their proximate or remote ancestors. We have been taught to shun money as a vice, and its possession as an unfortunate burthen."

Judge Yell's heart was always full of sympathy and the milk of human kindness, and no man had a finer or keener appreciation of wit, irony and sarcasm. Coming as this did, beaming and sparkling in humor and pleasantry, it inspired a like response from him, and he said with a smile: "The court fully appreciates, and concurs in every thing you have said in such terse and appropriate language, and as you appealed to its judicial knowledge, and invoked a liberal interpretation of the *lex non scripta*, the judgment of the court is, that you go hence without day, and be no further impleaded in this matter; the equanimity of the court being restored to its normal functions. This, I believe, exhausts the jurisdiction of the court. If it could, it would gladly remove those organic and constitutional disabilities to which you so touchingly alluded in the opening of your case, but you must go before another tribunal for that. Mr. Clerk, call the next case." Each of the actors in this episode afterward became judge of the court — Sneed in 1844; Hoge in 1840.

In 1837, Judge Hoge was elected to the legislature as a democrat. He yielded adhesion to that party through life. In 1840, the legislature elected him judge of the fourth circuit, a position he filled with honor and credit, both to himself and the State, four years. He was brought up in the shadows of the Hermitage, and was deeply imbued with patriotic love for the Union and Jackson's hatred of Calhoun's nullification doctrine. With such associations, education and antecedents, he could

scarcely be any thing but a Union man in the late civil war. He was honest and sincere in his convictions and actions. He could not wage war against the Union he so dearly loved from early youth, nor could he take up arms to strike down the people of his native south.

When the portentous clouds were lowering to burst in the great civil war, he sought neutrality in California, and there supported himself with his facile pen as a correspondent for various journals, but chiefly the *Sacramento Daily Press*. When the Virginia convention was in session, he wrote from Sacramento to his son, Doctor James M. Hoge of Fayetteville: "Secession is war, and war is ruin. I hope the convention may be inspired with a lofty sense of duty and patriotism, and realize to the fullest extent the ruin secession involves." When the war was at its height, when great armies were moving by command of great generals in the field, "by States wheel into line," he was far off, careworn and dejected, mourning the ruin of the country he so dearly loved. Like Marius, sitting in the ruins of Carthage, his soul was filled with sorrow in contemplating the mutability of all things human. Who that fought on, or espoused either side, at this distant day; who now, after the passions that ruled the stormy hour, have gone down in eternal rest, baptized in the world's best blood, can abuse or harshly criticise the motives of either? I care not whether it be directed at a fallen Confederate, or martyred Union soldier, the same noble inspiration animated both, and both are MY COUNTRYMEN. Just, impartial mankind, will award, a rose to the one, a laurel to the other. That sickly sentimentality, which seeks to arouse the passions of the people on either side for selfish ends, is unworthy the confidence and countenance of a great people. A tendency, a resort to these methods to secure office is the bane of American politics, confined not to this, but spanning every age, having for its foundation the infirmities of mankind.

Judge Hoge was a fine conversationalist. He had dark hair, a sparkling hazel eye, weighed one hundred and eighty pounds, and was five feet eleven inches high. He died on Easter Sunday, 1874, in Custer county, Colorado, where he had gone on a visit to his son, a large cattle-dealer, and was buried at Ulay in Wet Mountain valley.

In the fall of 1876, the author, coming out of San Juan, crossed the main range of the Rocky mountains, and descended into Wet Mountain valley by way of Ulay. As I descended the eastern slope of the mighty range, through a dense forest of tall pines, the hurrying wind, swept a dirge through its evergreen foliage, as mournful as the sorrow which swept and stilled the heart of Niobe. I awoke from a refreshing slumber in the valley, as the sun was climbing the loftiest peaks of the range, and pouring his golden floods over the world as it rose from darkness and rest. As I was preparing to depart a friend said: "You are a Tennessean; that mound yonder guards the remains of another son of your native State." I wended my pilgrim way to the grave, and stood over the tomb of the friend of Grundy and Jackson, and there the heart felt the touch of chastening sorrow, which inspired thoughts that traversed the realms lighted by the sun, and with electric speed, sped the portals of the stars, up to the bright fruition of promised immortality. The tribute of a pilgrim's tear was dropped on that lonely grave by a fellow mortal.

JUDGE THOMAS JOHNSON, LITTLE ROCK.

Thomas Johnson, a native of Maryland, moved to Arkansas and settled in Batesville in 1832. In 1835 he was elected prosecuting attorney for the Batesville district. He married Miss Crease, a relation of the influential Conway family, and in that way embraced powerful aid to promote his advancement. This influence elected him judge of the third circuit in 1840, and at the expiration of his term as circuit judge in 1844, it elected him chief justice of the State, over Chief Justice Daniel Ringo, a whig, politics being the determinate factor in favor of Johnson. In person he was tall and slender; was six feet high, had dark hair, and a dark hazel eye, and weighed one hundred and fifty pounds. In 1856, he was elected prosecuting attorney for the Little Rock circuit, and in virtue of that election became attorney-general of the State. He was not related to the Hon. Robert W. Johnson. There was more fortune than genius or brilliancy in his professional career, but nature did much for him, in impressing the seal of honesty on his life and character. He died in Little Rock in 1877.



THOMAS JOHNSON.

JUDGE RICHARD SEARCY, BATESVILLE.

Richard Searcy, a native of Tennessee, came to Arkansas in territorial times and settled in Batesville in 1820, where he continued to reside until his death in 1832. He was educated and accomplished in literature and law. He was tall and slender, had dark auburn hair, a piercing gray eye, and weighed one hundred and forty pounds. In 1823, he was appointed and confirmed judge of the territorial court, and assigned to the Batesville circuit. When John Quincy Adams succeeded to the presidency, Judge Searcy's official head attested the succession, and James Woodson Bates was appointed in his place in 1825. He was a good writer, a fine advocate before a jury, a good lawyer before a court, and a pleasing, effective speaker to the people. His accomplishments rendered him a formidable opponent. Judge Bates lived also in Batesville until 1828, when he married the widow of Doctor Palmer in Crawford county, where he removed, after his marriage into this influential family. Judges Bates and Searcy were whigs, and warm personal friends, until estranged by a newspaper controversy, which increased in intensity and bitterness until it forever separated, and made them enemies through the remainder of their lives. This episode is only mentioned, to indicate the great results which it caused in staying and checking the ambition of Judge Searcy.

In 1827, Henry W. Conway, the delegate in congress, was killed in a duel with Robert Crittenden, and Ambrose H. Sevier, and Judge Searcy became rival candidates for the vacant seat, early in 1828.

Each was a foeman worthy of his adversary, an exciting and spirited canvass followed, and Judge Searcy would have been victorious, but for the defection of Judge Bates, who threw all of his influence to Sevier, and secured his election by a small majority. In 1829, the contest was renewed between these champions with great spirit and energy, and again Judge Searcy was defeated, by one hundred and thirty votes, through the defection and active opposition of Judge Bates. The defection of one man in his own party, thus forever destroyed the dream of his ambition. Judge Searcy never married. He died in Batesville, on December 29, 1832, a man of much ability and greatly beloved.

MAJOR ELIAS RECTOR, FORT SMITH.

This quaint, historic character, the original of "THE FINE OLD ARKANSAS GENTLEMAN," a parody by General Albert Pike on the "OLD ENGLISH GENTLEMAN," will be remembered as long as the early history of Arkansas is preserved. The youngest son of Wharton Rector, one of the nine Rector brothers, who were soldiers in the war of 1812; brother to Wharton Rector, paymaster in the United States army, who figures so conspicuously in our early history; cousin to Governor Henry M. Rector, and to the Governors Conway, nephew to the celebrated Ann Rector, wife of Thomas Conway, and cousin to General Early Stein, who fell in the battle of Prairie Grove. He was born in Fauquier county, Virginia, September 28, 1802, but was raised in St. Louis county, Missouri, and educated at Lexington and Bardstown, Kentucky.

Without relish for books, he cared nothing for literature; nature, simple and unostentatious, was his guide, the practical world his theater, where he gathered a fund of knowledge and wisdom, adapted to the necessities of the frontier, where he spent a long, active and useful life. The habit of wearing his hair, tucked up with a comb, like a woman, singled him out from the common herd with marked individuality.

He came to Arkansas in 1825, as surveyor under his uncle, Elias Rector, the surveyor-general of Illinois and Missouri. His capital consisted of the limited education, acquired by contact and absorption in the schools named, and vigorous independence and individuality, wedded to great energy and tenacity of purpose. In 1837, he moved to Fort Smith, where he resided until his death, save an interim of four years, when he was floating on the ebbs and currents of civil war.

General Jackson appointed him United States marshal of the Indian, and Arkansas territories, and he held the position of marshal for the unprecedented term of sixteen years, being first superseded in 1846, by his cousin, Governor Henry M. Rector, under President Tyler's administration. Under President Pierce's administration, he was again appointed marshal. He knew the Indian "as the mariner knows the sea," and because of great skill in their management, he was sent to Florida



MAJOR ELIAS RECTOR.

by the government, and put an end to the Seminole war. The Seminole chief, Billy Bowlegs, and his followers were removed from Florida to the Indian territory, by him, for which service congress voted him a resolution of thanks and \$10,000. He was superintendent of Indian affairs for many years, and held that office when the civil war commenced. The fortunes and traditions of his race, were intimately connected with the government, and he looked on the union of the States, with great reverence, and their dissolution as a great calamity; but he could not take up arms to strike down the people of his native section. A refugee, he found shelter in Texas until the war closed, after which he returned home to find a large fortune lost in the wreck of war, and the Federal authorities in possession of his once princely home, where he had, for a long cycle of years, dispensed hospitality with the lavishness of a Norman lord; himself a descendant in the maternal line of the old English cavaliers, whose blood made Virginia "the mother of States and statesmen."

Age and accumulated misfortunes, came in the winter of life, to chill his declining years, and he met the inevitable with a moral heroism, which imparted a charm to his manhood. He died in his old home on the 22d of November, 1878. General Albert Pike, his warm personal friend, for more than forty years, wrote after his death: "There are not many of us left who were men in Arkansas, when it became a State, and those whom death smites, not for yet awhile, are more and more alone in the world, as one after another goes away, into that unknown land, from which no voice of the dead ever speaks to the living, who yet linger behind."

I first met Elias Rector in the year 1835. There were great men in Arkansas in those days — Ben. Desha, Sevier, Robert Crittenden, John Pope and others — and the territory was the arena of strife between two parties. Among the friends of Ambrose H. Sevier, two of the most efficient and prominent were the brothers, Wharton and Elias Rector, both men of singularly striking appearance, keen-eyed, quick, alert and resolute, of vigorous intellect, great force of will and individuality of character, and withal generous and magnanimous. I was not of their political party, but in 1833, even, the old bitterness

between men had begun to die out, and personal conflicts no more occurred. Circumstances brought me into association with those gentlemen, and made them my friends, and that friendship with Elias Rector, grew and strengthened with the years, and continued undiminished until his death. At his own home, often in the better days before the war, at Washington, and traveling, I was much in his company for many years, and few knew him better than I did. He was a man who leaped to conclusions without resort to logic, and acted promptly upon his impulses and convictions.

A man of great integrity and keen sense of right, injustice and meanness always aroused his indignation, the open utterance whereof policy and prudence never prevented. Of hasty temper, and little given to control it, choleric and impetuous, anger did not inspire him to injure those of whom he spoke with bitter words, and his quarrels were never long-lived, for he was of a kindly and generous nature, and scorned to take any unworthy revenge. Beyond measure hospitable, convivial and genial, his friends ever met at his house, near Fort Smith, a princely welcome; and a singularly quaint humor, with great address and originality of expression, made him the most entertaining of hosts and companions. Frank, outspoken and not over ceremonious with men, he was, in the presence of ladies, a most exceedingly courteous and well-bred gentleman, and, holding himself the peer of any man, however high his rank, he never bowed his head as an inferior before any, nor lost his self-possession in any presence. He was a vigilant, faithful and honest public officer."

HON. JESSE TURNER, VAN BUREN.

Hon. Jesse Turner was born in Orange county, North Carolina, October 3d, 1805, and is of Scotch-Irish descent, from both paternal and maternal lines. His ancestors of both lines emigrated in 1750 from county Down, Ireland, and settled in Lancaster county, Pennsylvania, and from there, in 1755, moved to Orange county, North Carolina. The family are noted for robust constitutions and remarkable longevity. James Turner, the grandfather, died aged ninety-four; James Turner, the father, died at the age of ninety-nine, and his

mother, Rebecca, died at the age of ninety-six. The son, now in his eightieth year, is hale and hearty, and his physical appearance indicates that he may attain the patriarchal age of five score years. His ancestors in both lines, contributed soldiers to the armies of the revolution, who fought the English and Tories at Guilford Court House and on many other bloody fields.

Judge Turner inherited a love for books, and has never ceased to indulge and cultivate that taste. In boyhood, by utilizing every facility, he became master of a good English education, and extended his studies over a large field of the best ancient and modern literature. In 1824, he began his legal studies under William McCauley, at Chapel Hill, North Carolina, and under the rather peculiar system of that State, grading license to practice law, and proportioning the franchise, to the acquirements and ability of the aspirant; at the end of one year he obtained authority to practice in the limited jurisdiction of county courts. He continued his legal studies, and after the necessary probation in the county courts, was admitted to practice in all the courts of the old north State. In April, 1830, he started west, where it was thought opportunities were better for professional employment and material advancement. He stopped awhile in Alabama, but was not satisfied to remain there, and came directly to the territory of Arkansas, landing at Van Buren, in May, 1831, where he found one store, one grocery and one woman, Aunt Sylvia. From Van Buren he went on to Fayetteville, a small village of about thirty inhabitants, and remained there all summer. In the fall of 1831, he permanently located in Crawford county, moving his residence from time to time as the changing county seat of that county vacillated from point to point, until it finally became stationary at Van Buren, in 1838. Chester Ashley and the lamented Robert Crittenden, when Mr. Turner made his advent in the territory, were regarded as the two leading and ablest lawyers in the jurisdiction — and these two eminent champions were leaders of bitter, opposing political factions, they were both intellectual giants and eminently worthy the character of leaders.

David Walker was then a rising young lawyer from Kentucky, settled in Fayetteville; James Woodson Bates, from

Virginia, judge of the territorial superior court and first delegate in congress from the territory; Judge Benjamin Johnson and Judge Andrew Scott were all able men and prominent actors in the early days of Arkansas. The territory then had a population of less than thirty thousand, and one of the ablest bars in America for the population. Albert Pike had not then appeared on the scene.

In 1838, Judge Turner was elected to the legislature of the State, and at that session commenced his public career. In politics he was a stern, unbending whig, and was president of the whig convention which assembled in Little Rock in 1840. The presidential campaign of 1840, was the most exciting of all the contests between the old whig and democratic parties. In this campaign he was a very active and prominent speaker for his party and achieved a State reputation. In 1841, the Hon. John Bell, then secretary of war, appointed him one of the annual visitors to the military academy at West Point. In 1848, he was a candidate on the whig ticket for presidential elector, and in the interest of his party made an extensive canvass of the State. In 1851, congress created the western district of Arkansas, and located the Federal court for that jurisdiction at Van Buren, and President Fillmore appointed him United States district attorney for the western district, without his knowledge or solicitation, and he discharged the duties of that office to the eminent satisfaction of the government, until the close of the administration.

In 1861, he was a delegate from Crawford, to the memorable secession convention which convened in Little Rock in February of that year. At the first session the ordinance was voted down, Judge Turner voting with the majority. In order to ascertain the wishes of the people, the convention adjourned until May, and then re-assembled; but in the mean time Sumpter had been fired on and taken, and war between the States was an established fact then in progress. The convention then gracefully yielded to what then seemed imperative necessity, and voted unanimously (save one) for secession.

In voting for secession he did not change his convictions as a Union man, but yielded to the overwhelming majority — the hour for calm, dispassionate discussion had passed. He

retired to privacy, and took no part in the struggle. In 1866, he was elected to the State senate from Crawford and Franklin counties, and was chairman of the judiciary committee during that long and laborious session. He opposed the stringent reconstruction measures of congress, because he judged them unwise, impolitic and unconstitutional. In the Brooks-Baxter war of 1873, he sided with Baxter, not that he believed he had been elected by the people, but because, the only lawfully constituted tribunal to decide that question, had passed on it in favor of Baxter; after this it would be unwise and revolutionary to disregard the settlement. In 1874, he was again elected to the State senate from Crawford and Franklin counties, and was again made chairman of the judiciary committee; this was the first session after the people had recovered their ancient liberties under the constitution of 1874, and a vast amount of important legislation in consequence was precipitated. More important legislation was consummated at this session, than ever before or since by a single legislature. Those acquainted with the modes and methods of legislation, will readily conceive the vast labor devolving on the committee, and particularly the chairman of the most important committee of the senate. Judge Turner was the appropriate man for that station, and no man gave Governor Garland's administration more zealous and effective support.

In 1876, the democratic State convention appointed him a delegate for the State at large, to the national democratic convention which convened at St. Louis, and nominated Samuel J. Tilden for president. In March, 1878, he was appointed associate justice of the supreme court, to fill the unexpired term of Judge Walker, who had resigned, and he filled the exalted office with honor and credit alike to the State and himself.

He has often been commissioned special supreme judge, to act wherein the regular judges were disqualified. His judicial opinions are reported in the thirty-second, thirty-third, thirty-fourth and thirty-fifth volumes of reports. He has always favored internal improvements as one of the cardinal doctrines of the old whig party. He took a very active and prominent part in organizing and building the Little Rock and Fort Smith railroad, of which he was president eleven years, from 1857 to

1868, and is yet director and vice president. He has always favored the public-school system — has long been justly regarded as a wise counselor and able lawyer, is eminently social and domestic in taste and habit, and has always been strictly temperate, but has never attached himself to any church organization, because his free and liberal mind demands a freer scope and wider range for the intellect, than the arbitrary demands of doctrinal theology accord. But he entertains strong religious ideas and convictions, believes in the laws of compensation, of rewards and punishments, atonement, redemption and immortality.

Judge Turner has always been regarded as the soul of honor, chivalrous as a knight of the olden time, and with it he has a rich vein of eccentricity, supplemented liberally with what we call absent-mindedness. When quite a young man he went to New York, for convenience, carrying the bulk of his funds in a draft, on one of the banks in Nassau street. He was a stranger in the city and not then much acquainted with the custom of banks. When he presented his draft for \$300 the cashier said: "Mr. Turner, I suppose this is all right, but we don't know you and you must bring some responsible party to the bank to identify you." "What, am I to understand by that," said Mr. Turner. "Simply that the bank is forced to adopt that rule to protect itself against fraud and imposition." "Do you mean to insinuate that I am not the veritable Jesse Turner? Look in my face and see if there is not \$300 worth of honesty in it? Do you see any fraud or imposition in it? If you don't pay this draft in two minutes I will clean you and the d—n'd bank both up." "Certainly, Mr. Turner, we are perfectly satisfied, we will cash the draft," said the cashier, and he at once counted out the money.

Matthew Leeper was a noted lawyer in his day at Fayetteville — was a Jackson democrat, and receiver of the United States land office at Fayetteville in 1832. He and the Judge frequently met as opposing counsel at the bar. On two occasions, he grossly insulted Judge Turner in open court, and when required, refused to apologize or retract the offensive language, and was challenged, in conformity to the polite custom of the day, and usages under the code. Pistols and ten

paces on the west fork of White river, just across the line, in the Indian nation, not far from Fayetteville, were the recitals in the cartel agreed upon between Judge Sneed, who chaperoned Leeper, and Bennett H. Martin, who acted as second for Judge Turner. The Judge was a small, spare-made, tidy man in those days, and would fight the devil and give him the first shot. The parties met in February, 1832. Three hundred Indians are said to have been present, bucks and squaws, all manifesting the greatest interest in the approaching duel. The Indians were betting their ponies and saddles, blankets and pelts on the triumph of the "little man," as they called Judge Turner; the seconds measured off the ground and placed the parties in position; after which Mr. Leeper withdrew the offensive language and avoided the combat, honorably, because it is always considered honorable to withdraw unjustified language.

Judge Sneed was drinking, and became enraged at the sudden and peaceful solution of the difficulty, and in his frenzy rushed on Judge Turner and snapped his pistol in his bosom, but it failed of fire. If it had fired, one of the bloodiest tragedies ever enacted on the border would have concluded the scene. These facts, as stated, were given to the author by an eye-witness, whose authority cannot be questioned. Years after this, Bennett H. Martin was violently assailed, and to save himself from great bodily harm, knifed his adversary to death. The friends of the deceased offered Judge Turner \$250 to prosecute, and his reply was prompt and characteristic of the man: "No; by God! he is my friend, and commands all the services I can render for nothing but the friendship and respect I owe him."

A note was once sent to him for collection against Emily Bishop, and he made diligent inquiry for the widow Bishop for six months or more, but did not find or hear of her. One day, during the progress of a trial in court, in which he was not engaged, he laid down on a bench at the back of the court-room and went to sleep. Whilst in this condition, the sheriff leaned over him and called Emily Bishop to come into court. This suddenly roused the Judge to consciousness, and he sprang to his feet, exclaiming: "By God! its a man, is it?" The debtor's gender had burst on him like a flash of lightning.

On another occasion, he was most earnestly arguing a motion for a new trial, on the ground of surprise at the trial. After he had proceeded at considerable length, the judge before whom he was arguing said, in all seriousness: "Do you say *you* were surprised, Judge Turner?" "Yes, your honor, not only surprised, but most damnably astonished," was the earnest reply.

The late David Walker was passionately fond of fine saddle horses, and always rode the best, but he was careless of his own personal dress. Judge Turner, in this respect, was the opposite of Judge Walker. He paid great attention to his personal dress, but would as soon mount a sorry donkey as the finest Arabian courser.

In fact, it is said by his warmest friends and admirers, that with him there are but two marks of distinction between a horse and a mule, found alone on close observation, directed to the feet and ears. He rode a large rough sorrel plug on the circuit for several years. At the same time Judge Walker rode a splendid blood bay. Thus caparisoned, horses and riders entered a country town and the horses, in the absence of the negro hostler, were tied to the hitching post in front of the "tavern," as public houses were called in those days. Sambo, the hostler, naturally supposed the finest horse belonged to the most genteel-dressed man, and when Judge Turner, called for his horse and saddle, Sambo brought out the fine blood bay, and he mounted him and rode forty miles away without knowing he was not on the old sorrel plug. One of his friends accompanied him on the return trip, and knew the innocent mistake the Judge had made, but did not apprise him of it, only remarked "you have been trading horses, have you not?" (they were then going at a nine-mile gait); "O, no," the Judge answered, "but I have been riding this horse three years and never knew he was a saddle horse before; look how he flies over the ground." When Judge Walker called for his horse, the old sorrel plug was brought out, and his religion was put to the severest test. Judge Turner had five hours the start of him on the blood bay. McLean, many years clerk of the old circuit courts and afterwards of the Federal

court at Van Buren, was a good jolly fellow, universally esteemed by the bar.

He always had on hand a rich fund of anecdotes, and could tell them in inimitable grace. When he was clerk of the old circuit court, held at Norristown in Pope county, Judge Turner went into his office when preparing to leave and asked him to loan him a pair of saddle-bags, and said: "I am always losing mine; I buy a pair every few months, and don't know whether they are lost or stolen." McLean directed him to a pair hanging behind the office door, where they had remained undisturbed six months. They were packed with clothing and papers; the pocket of a vest in the bags contained \$50 in bank bills. The judge took them down, and removed and carefully inspected the contents. McLean said: "I think I have seen you wearing that identical suit of clothes; the bags and contents must be yours." "No," said the Judge, "be damned if ever I saw them before." "Feel in the vest pocket," said the clerk, and the \$50 was brought to light. "No, that's not mine, I was never that careless in my life," said the Judge. Well, but there are some letters and papers there, that you will probably recognize; in fact, I don't think there can be any doubt or mistake about the property being yours, if you will only examine the papers carefully." This was done, and it removed all doubt as to the ownership of the property. The Judge joined McLean in a hearty laugh, but enjoined him not to circulate the incident, and he kept his promise.

A man charged with larceny called to employ him in his defense, and during the consultation admitted his guilt, but said he could disprove it and easily avoid conviction. The irate judge gave him a sound cursing, and told him to go to C. D., up the street, who did that kind of business, or to hell, it did not matter which. No gentleman at the bar ever paid greater respect to the highest code of professional ethics. When Judge Turner entered the profession, and for many years afterward, it was regarded as a breach of professional ethics, of grave character, in a lawyer to advertise or solicit business. He is a dignified, courteous and refined gentleman in social life, and is keenly alive to all of its amenities. He possesses a vast fund of information which lends a charm to his fine conversational

powers, and the author here acknowledges his indebtedness to him for much information imparted in this book in relation to the early history of Arkansas.

HON. HUGH F. THOMASON, VAN BUREN.

Hon. Hugh French Thomason was born on a farm in Smith county, Tennessee, and is of Huguenot extraction. His Protestant ancestors, to escape the bloody persecutions of the Catholics, emigrated from France in colonial times, and settled in South Carolina, and there intermarried and crossed the fiery impetuosity of the Frenchman, with the cooler blood of robust English stock. Any one at all acquainted with the individuality and marked characteristics of the various European nations can look at General Thomason, and tell his extraction at a glance. He has a very pronounced individuality, clearly indicative of firmness and tenacity of purpose, typical of that union of blood from two great national sources which unite in him. His father, Colonel Daniel Thomason, and mother, Mary Jane Denton, were natives of Warren county, Tennessee, and his ancestors from both lines were soldiers in the Indian wars under General Jackson, and in the war of 1812.

In 1829, he left Tennessee because he thought it was becoming altogether too populous, and immigrated to Washington county, Arkansas, then a wilderness, where he died in 1839, leaving his son to make his own way in the world; by his own unaided exertions. In those days educational facilities were of the most primitive and rudimental character, and the negative, passive youth, without strong ambition of soul, pointing onward and upward, never rose higher than the sphere in which he was born; but in every age and in every land there has always been an outlet to the higher and nobler impulses of aspiring youth; and the young man, unaided, sought and found this outlet. His acquirements, at the log-cabin school were rudimental and extremely limited, but acted as a great stimulant to his mind, and inflamed his thirst for knowledge, and made him his own accomplished educator. He taught school in 1845, in the Cherokee nation, and husbanded his income with rigid economy, to sustain him whilst he was acquiring a knowledge of the law. In 1846, he became a pupil



HON. H. F. THOMASON.

under William D. Reagan, an eminent lawyer at Fayetteville, and was there admitted to the bar in 1847, and practiced there until 1861, but moved to Van Buren, in Crawford county, in 1857, where he still resides.

In 1851, he was elected prosecuting attorney for his circuit, embracing ten counties, and in 1854, was re-elected to the office. He commenced life a democrat, but on the passage of the Kansas-Nebraska bill by democratic votes in congress, deserted the grand old party, and joined the know-nothing party, and voted for Fillmore for president, and supported Bell and Everett in 1860. In 1856, he was nominated by the American party for congress, and made a vigorous and able canvass, but democracy would not down at his bidding, and he was defeated.

In 1860, he was a candidate for presidential elector on the Bell and Everett ticket, and made an earnest canvass of North Arkansas. In 1861, he was elected to what is known as the secession convention of that year, held at the capital in March and May, to determine the action and policy of the State in the impending conflict between the States. In that memorable body General Thomason acted a conspicuous part; he introduced a series of conservative resolutions looking to, and inviting a convention of all the States to settle the slavery question, and to perpetuate the Union, and after much able discussion they were finally adopted, but too late by many months; war had already been proclaimed at Charleston, and armies were on the march. Secession was defeated at the *first* session of this convention, and an adjournment was had until May to ascertain the sense of the people, but the south was then practically a unit for war, and like thousands of other southern patriots, General Thomason reluctantly acquiesced in the decision of the majority and went with his State. He was elected by the convention delegate to the Confederate congress at Montgomery, and took his seat in that memorable body. In the fall of 1861, he was a candidate for the Confederate congress before the people, but was defeated by Hon. Felix I. Batson, on the ground that he was not an original secessionist. He took no further part in the civil war. At the reorganization of the Little Rock and Fort Smith railroad in 1866, he was elected

one of the directors of that company, and actively aided it to completion. In 1866, he was elected to the legislature from Crawford county, and originated and successfully carried through a measure of vast importance then to the people of the State. During the war a vast amount of strife and ill-feeling had been engendered, and much crime during the universal suspension of the courts, had gone unpunished, and it was manifest that private malice and revenge would usurp the power of the courts, if something was not done to stop it authoritatively. A general amnesty bill, was the result of the wisdom and foresight of the member from Crawford. Another measure introduced by him extended to the colored population the protection of the laws. Commencing life in adversity, experience taught him the great value of educational facilities, and made him the friend of public schools, both in and out of the legislature. With him originated the idea of providing separate schools for the races, which is now the settled policy of the State. The legislature of 1866, attested its high appreciation of his public spirit and services, by appointing him on the commission to Washington, to confer with the Federal government as to the best plan of reconstruction — a mission which he honorably discharged, but failed in accomplishing desirable results, because the revolutionary spirit of the dominant party headed by such men as Thad. Stevens, would not, in the flush of power newly acquired in the south, listen to any conservative policy. In 1874, he was elected to the constitutional convention, and was an active and prominent actor in that learned body of freemen. In that body he introduced a resolution, declaring it the sense of the convention, that every office in the State ought to be elective, and it was adopted and is now organic law. In 1874, the democrats adopted an unwise policy, by nominating a republican on their ticket for congress, on the score of availability, at the sacrifice of principle. General Thomason headed a revolt, and run against W. W. Wilshire, the republican-democratic nominee for congress, but party lines were too tightly drawn, and he was defeated.

In 1872, he was accredited to the democratic national convention at Baltimore, but felt sore and did not attend. In 1878, and again in 1880, he was a member of the State

democratic convention, and actively participated in its deliberations. In 1880, he was elected to the senate from Crawford and Franklin counties, and was chairman of the judiciary committee. In 1886, the democrats of Crawford county demanded his much-needed services, in an effort to redeem the county from four years republican domination, and the old wheel-horse headed the ticket for the legislature, and when the ballot was officially announced, five hundred democratic majority was registered. As this record indicates, he is quite independent in politics, and he has frequently paid the penalty, but has always maintained the courage of his convictions. He was a member of Governor Roane's staff, and from that derives the title of general.

MAJOR WILBURN D. REAGAN, FAYETTEVILLE.

Major Reagan is one of the most eccentric and remarkable characters belonging to the early bar of Arkansas. His individuality is so strong, pronounced and strikingly distinct from all other men, as to justify the assertion that he is strictly *sui generis*. He comes from an old revolutionary stock, of fearless soldiers and hardy pioneers, who, since the pilgrims landed and the colonists settled on the James, have marched in the van of our westward civilization. A stranger to luxurious and effeminate life, the pioneer developed sterling worth, indomitable will and unyielding tenacity of purpose, unsurpassed by any type of men the world has known.

Major Reagan was born on a farm in Overton county, Tennessee, in 1812, and is of Scotch-Irish extraction. He came to Arkansas in 1830, and located in that section now embraced in the county of Carroll before the county was settled. He was poor and unblessed with educational advantages, but struggled with great resolution and determination against the embarrassment, and, for practical purposes, overcame it to a great extent. He qualified himself to teach the common frontier schools, up to the standard then prevailing, and followed the occupation two or three years, closely husbanding his small accumulations, to advance his ardent legal aspirations. He read law under Judge S. G. Sneed, and, as far as it was possible for a man of his peculiar mental organism to do so, formed his style of oratory after the model of his tutor. He was admitted

The first part of the work is devoted to a general history of the country, from the earliest times to the present. The author has collected a vast amount of materials, and has endeavored to present a complete and accurate account of the progress of the nation. The second part of the work is a detailed description of the various parts of the country, and of the manners and customs of the people. The third part of the work is a history of the wars and revolutions which have taken place in the country, and of the political and civil institutions which have been established.

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to the bar in 1825, and entered on a very prosperous professional career at Carrollton. In 1838, he moved to Fayetteville, where he continued to reside for nearly forty years, a prominent actor in the forensic arena in the "great north-west." His forte was criminal law. He displayed remarkable knowledge of men, and great tact in the selection of trial jurors. He was possessed of great industry and indomitable will power. Many young men who afterward became prominent, read law under him: Judge Lafayette Gregg, the Hon. James R. Pettigrew, who became his son-in-law, and law partner, the Hon. E. P. Watson, and many others. He was celebrated for curious, remarkable and quaint originality, which bubbled up and overflowed without restraint, in every speech of any length or importance he ever made. His title to this character of originality was never rivaled or disputed by any competitor, political or forensic. When he was up in any important case, the intellectual and the curious crowd alike swelled his auditory, and he held it with unwavering interest until the closing sentence died away, and then all felt sorry that Reagan had closed.

Judge Gregg, his former student, is a fine lawyer, and on one occasion at Fayetteville, many years ago, in an important case, was crowding his old preceptor to the wall, in the discussion of purely a legal question.

The standing, and relation of the parties excited more than ordinary interest, and the old preceptor felt that all of his reserve forces must be brought into action against the enemy, who was turning his batteries defiantly and effectively against him. Ridicule, sarcasm, irony, wit and invective were often subordinated as effective agents by Reagan, and he commenced his lengthy reply to his adversary in the following utterance: "If I did not know Lafayette Gregg was trained by a very fine lawyer, I would say his license ought to be taken away and the gentleman put up and stall-fed on law, and his ancestors ten years, before being allowed again to appear in court and spout top-loftical nonsense as solid law." On another occasion he felt the importance of overriding the testimony of an important witness for the opposition, and assaulted him in a bitter phillipic, and concluded by saying: "He is the most contemptible creature to-day that moves on the earth beneath

God's luminary, to-wit, the sun." Major Reagan was impulsive and impetuous and combated every thing that had the semblance of favoring the opposition; this sometimes led abruptly and unexpectedly to amusing complications, and sometimes to farcical embarrassment when least expected. In a trial at Fayetteville in anti-bellum days, he introduced a verdant countryman to impeach the testimony of a lady witness, and propounded the usual preliminary interrogatories, to which "Smart Alec" replied: "Wal, as to truth, I would believe her any whar, but as to her veracity, you had better not ax me about that, I am not that sort of a hair-pin; some say she would and some say she wont." On another occasion an adverse witness was interrogated as to what the major's client had said, if any thing, in relation to the transaction under consideration, and the Major, without waiting to ascertain whether his client had said any thing, impulsively and vehemently proceeded to argue his objections to the interrogatory for an hour. His objections were overruled, and the witness was directed to respond to the interrogatory, "what did he say," to which he responded, "not one word." The ludicrous attitude of all the actors provoked irrepressible laughter. The Major's disciplined adversary in the trial of a cause was always on the lookout for surprises. The secret defenses which lurked under the general issue in a trial at common law [which obtained in this State before the war], often afforded him ample means to ambush and annihilate his adversary, before he could recover from the shock of a masked battery. He was skilled, and delighted in these weapons. He kept his own counsel with the sagacity of an old veteran, and this often rendered it impossible for the ablest adversary to anticipate him. He always had a Roland to give in exchange for an Oliver, and when aroused, was terrible in the use of invective and denunciation.

A new order of things was introduced in the era immediately succeeding the war, the common-law system of pleading and practice was abolished; the code system was substituted, distasteful reconstruction enfranchised illiterate slaves and disfranchised the dominant enlightened classes of the south. All these things, added to the infirmities of advancing age, led Major Reagan, in 1877, to move to Waco, Texas, where he

now (December, 1886) resides with a married daughter, at the patriarchal age of seventy-five. He is afflicted with blindness, to a great extent caused by long and laborious study by candle-light in early life, but he is in the full possession of an unclouded intellect which left its impress on the times in which he lived. In 1840, he stepped aside to serve his constituents one term in the legislature, and in 1842, was defeated by a small majority for the senate.

JOHN LINTON, LEWISBURGH.

John Linton, said to be the natural son of a putative father, was born near Abington, Virginia, about 1795. History has woven an air of romance around the name of this truly original character, of thrilling interest. The child, and heir of misfortunes not his own — existence originating in the mental abandon of a delirious hour, under the ægis of an unkind star that followed him through all the changing scenes of a long life, but borne up and sustained, in every storm, by the majesty of an intellect greater than all his misfortunes. His father was an indolent, shiftless dependent on a kind-hearted, wealthy old farmer named Bailey, on whom both father and son depended. When the boy was fifteen years old, farmer Bailey fitted out three of his sons for Chapel Hill College, North Carolina. The boys traveled on horseback, accompanied by a trusty slave to care for the animals. When they bade all farewell and mounted, John burst into a flood of tears. This touched and moved the heart of the old sympathetic farmer, who ascertained from the sobbing boy that he wanted an education. This incident determined to a great extent and molded his future career. The old man told the boys to dismount, and wait a few hours, until John could get ready to accompany them. He sent a slave in haste to the farm after an animal for the boy. The animal was in sad plight, being matted with burrs. The light-hearted, elated youth, did not care for the appearance of the animal, but his aristocratic companions, refused to start until the animal was thoroughly cleansed.

Young Linton progressed rapidly, and in Latin proved the equal, if not superior, of any youth ever at that once famous seat of learning, where many great men were educated. But

there was one infirmity which he never could overcome—the lingo of the plantation. His great passion was for the Latin language—he bought all the Latin grammars ever put on the market in the United States, and as a Latin scholar had no superior. One of the Bailey boys visited Arkansas when “Old John” was in the meridian of his fame, and told his history in Virginia as given above.

After an incomplete collegiate course at Chapel Hill, he studied law, and was admitted to the bar at Abington, Virginia, about 1818, and commenced the practice of his profession there, and early achieved honorable distinction. On one occasion he was associated with Governor Preston of South Carolina, in a great murder trial. When the sky looked brightest an evil hour came, and he was indicted and convicted of the crime of mutilating or destroying a bail bond. His friends deserted him, and he lay in jail a long time before trial. Thinking he would be disbarred and stricken from the docket, no matter what the result of the trial might be, he applied himself in jail diligently to the study of medicine. When on the way to the penitentiary the governor’s pardon came, and he was released and restored to citizenship. He never opened an office again in Virginia, but came to Arkansas, to repair his injured name and build a fortune. He came in territorial times and settled at Lewisburgh, in Conway county, about 1825. But the old story followed on his heels, and “stuck like the shirt of Nessus.” His great talents as a lawyer inspired strong opposition, and his phillipics made it enduring. Enemies crowded his professional pathway, and fell one by one beneath his lance. Triumphs were as numerous and great as his enemies. His Virginia record came to numerous applicants, and was returned for the addition of the presiding judge’s certificate of authentication, as prescribed by act of congress, but that wise and kind-hearted man, Judge Estell of Virginia, refused to authenticate the record, and added in explanation, “he has suffered enough; although tried and convicted, it is a matter of grave doubt as to whether he was guilty, and because of this uncertainty the executive of the Commonwealth graciously pardoned him.” The author, as far as possible at this late day, has scrutinized the character of John Linton in the flood-light of subsequent years, and has found nothing in it indicating

the criminal, and unhesitatingly gives it as his opinion that he was not guilty. The contemporaneous judgment of the governor, and Judge Estell, together with the potent fact that Linton had no influential and powerful friends to press his cause, flooded with the light of subsequent years, warrants and legitimates the conviction that he was innocent.

His faults and his talents were great, but there was nothing sordidly mean in his nature. That he would commit a felony to serve a client for money, is not worthy of belief. He was fond of his toddy and often got high up in his cups, but generally deferred this hilarity until the term of court he was attending was drawing to a close. Soon after his arrival in the territory, and whilst a briefless lawyer, he attended the circuit court in Crawford county, where a criminal trial was in progress, in which men, afterward eminent in the profession were engaged. The defendant was charged as *accessory* to a fruitless attempt to commit murder—a crime unknown to the common law and to the laws of the territory. "Old John" took in the situation at a glance, but said nothing for several days. Having nothing else to do, he got on a spree, and became very unkempt and slovenly in appearance; in fact, it is said he was never dressed up but once in his life. He was fond of ginger-bread and bought an armfull and went staggering into court with his bread in his arms, minus that part which was working out at the corners of his mouth. In this plight he advanced to the middle of the room and solemnly asked the judge, if it was not time this huge joke had stopped? The judge reprimanded him severely, and he humbly apologized by saying in slow, measured accent, "that when I read the common law there was no such crime known as that charged in the indictment; but I presume it has been changed since I read it; in fact, the *presumption*, that it has been changed, is *great*, in view of the fact that so learned a judge, and such eminent counsel, are actually administering, it on the basis of a *change*." All eyes were riveted on him, when he sent this thunderbolt crushing through the startled and bewildered brains of judge and counsel, who, for the first time, realized the mammoth farce they were enacting. S. G. Sneed, the prosecuting attorney, as soon as he recovered from the shock, the legal dis-

covery imparted, entered a *nol. pros.*, and the prisoner was discharged. Clients flooded to "Old John," and it was said, that drunk or sober he knew the law. One of the lawyers for the defense was then young, but has since attained national fame.

The lawyers engaged in the case took him aside, and privately lectured him for not coming to them in a whisper and telling them of the farce they were acting, without public exposure. When he applied to the supreme court of the territory for license to practice, an effort (tradition says) was made to shut him out by a severe and critical examination, which was conducted by Judge Samuel S. Hall, who was on the territorial bench from 1823 to 1836, so says the record. Linton answered every question satisfactorily, and with remarkable ease and facility, and displayed much more wisdom than the inquisition. Finally Judge Hall put a question which he declined to answer, and when asked why, said: "That question is now pending before the superior court, and it would be indelicate in me to advise the court what to do, as I am not in the case." Here the examination ended abruptly, and he was adjudged qualified.

In 1829, General Sam. Houston abandoned the bride of an hour, and resigned the office of governor of Tennessee, and came through Arkansas on his way to his old friends, the Cherokee Indians, with whom he had partly been raised in East Tennessee. He stopped at Lewisburgh and staid all night with Linton. Here every element centered to produce a strong friendship between these two men; they were both Virginians, about the same age, both learned and convivial, and each had recently left home, never to return, under the weight of a great sorrow. Here in the heart of the wilderness, shut out and cut off from the conventional ethics of civilization, they gave royal rein to that feeling of State pride and regard for each other, so characteristic of the sons of the "Old Dominion." Linton accompanied Houston, as a mark of esteem, to Fort Smith, one hundred miles distant. Here in the face of opportunity, they could no longer restrain themselves; the ardent was plentiful, and they celebrated the orgies of Bacchus in roaring style. tip after tip and cup after cup soon attested their unrivaled accomplishments, in that line, at that shrine. They soon became generous rivals for championship at the

hilarious shrine of the wine-god. Houston suggested that an offering, meet and appropriate be made, indicative of the highest regard for ancient Bacchus. And Linton said: "If it is any thing in the range of human possibilities I am ready to sacrifice and atone to the god."

This sacrifice consisted in pulling off and consigning all their wearing apparel to the flames. Linton heroically followed Houston's lead until his shirt, the last garment, struck the flames; he snatched that out, but Houston chided him for re-niging, and he returned it to the flames. There each stood, in a log cabin with dirt floor face to face in a state of nature. Linton was a stranger, away from home, without friends or money, and was forced to wrap up in a blanket and retire to a straw bed. Houston's servant had another suit for him, and soon repaired the loss, and before his master recovered from the spree, had him in the saddle on the way to Fort Gibson. When Linton recovered consciousness, Houston was forty miles away, not knowing the dire distress he had left his friend in. It was several days before succor came. Linton always dreaded mention of this episode, but Madam Linton never "let up" on him while he lived. She often begged him to be careful and avoid the company of "big folks," lest he should become inspired again to sacrifice to heathen gods and burn his shirt.

Governor Houston had determined on leaving Tennessee, to forever desert the haunts of civilization, and, if possible, to destroy all trace of himself and every means of identification. After wandering around several weeks, he located in the Cherokee nation, fifty miles west of Fort Smith, where he found a young, handsome morganatic wife, who bore him two children, so tradition says. He gave himself up to complete abandon. Occasionally he came to Fort Smith, then a military and trading post. He wrapped up in a blanket or buffalo robe, in the full garb of an Indian, and spoke in broken English to enhance the supposed disguise. On one of these trips Elias Rector, "the fine old Arkansas gentleman" of western literature, recognized and frequently visited him. The Indians named and called him "Big Drunk."

In December, 1832, after three years' seclusion among savages, he aroused from the mental agony and stupor into which

he had fallen, under powerful influences and causes he never explained to the world, and said to his friend Rector: "I have now shaken off an awful nightmare, I am going to Texas and head the revolution, and one day will be president of a republic." Prophetic genius, springing from the depths of a heroic nature, the realized dream of a great man, the child of fame and fortune rising transcendently greater than tremendous misfortunes.

The author is here tempted into another digression.

I had learned from my father in early youth, the appearance and personal history of General Houston, but had never seen him. In 1855, at Raleigh, Tennessee, then the county seat of Shelby county, nine miles east of Memphis, a stranger entered my office, and desired a real estate title investigated. Instantly I recognized General Houston as my patron, and said: "I have the honor of General Houston's presence, I believe," and he said: "Yes; why do you recognize me?" I told him, and he was glad to meet the son of an old friend.

His brother died about 1849, leaving a widow and son in Memphis, Tennessee, on whom he always called in going to and returning from Washington. He came to my office on business for them. When the work was finished he asked the fee, and when informed no charge was made, threw down \$10 and said: "Young man, you are just starting in the world with little of its goods and wares at your disposal, you cannot afford to work for nothing, and I will not accept it without compensation." At his invitation I rode to Memphis in the vehicle with him, and was a glad auditor to one of the finest conversationalists I ever heard. In the evening he addressed a large audience at Odd Fellows' Hall, in one of the most effective and eloquent speeches ever delivered. In allusion to a charge of selfishness and neglect of his country's material interest, he said: "I won with my sword an empire, and like a dutiful, patriotic son, without reward, gave it to my country; who, since the days of Washington, can say as much?" In the early days of Arkansas, the Hon. Bailie Peyton of Tennessee raised and sent many fine horses to market here. Linton gave \$300 for one of these fine saddle animals and

named him after Bucephalus, the famous horse of Alexander the Great, but pronounced it "Buck-a-fu-los."

In pronunciation he murdered the King's English, Latin scholar as he undoubtedly was, but no man ever had the temerity to tackle him more than once for this painful defect. An illustration of his terrific phillipics is given in the sketch of John Taylor. In 1837, he was elected to the legislature from Conway, but this seems to be the first and only time he ever stepped aside to hold office. He had a large and profitable clientage in the north-west for many years, at a period when Arkansas had great lawyers. He owned a fine farm and ferry on Arkansas river near Lewisburgh. He was fond of books, and always read each volume twice before he laid it away. In fiction, Scott and Bulwer were his favorites, and woe be to the hapless individual who encountered or came across "Old John" after he had laid a volume down; he was doomed to listen to a recitation of all the volume contained before he could escape. He was utterly indifferent to dress and personal appearance, and it is said was never dressed up but once in his life, and that was when a generous client dressed him up in broadcloth. He was a giant in physical proportions, with this singular anomaly—he had very small hands and feet. He died at Clarksville in Johnson county many years ago, and thus ended the singular career of an unfortunate and singular man.

CHARLES FENTON MERCER NOLAND.

During that transition period between the death of the old federal and republican parties, and the rise of the whig and democratic on their ruins, two more sprang into existence in Arkansas, known as the Conway and Crittenden parties. The Conway espoused the cause of General Jackson, and became the democratic party. The Crittenden espoused the leadership of Henry Clay, and became the whig party. Each had its organ, impetuous adherents and vehement leaders.

The *Gazette*, the organ of the Conway party, was established by W. E. Woodruff in 1819, and has ever since been an important factor in the history and politics of Arkansas.

Robert Crittenden, the founder and leader of his party in

the territory, came as secretary in 1819 and held that official position until removed by General Jackson in 1829. Early "in the twenties" he established the *Advocate* as the rival journal of the *Gazette*, to advocate the cause of his party. Charles P. Bertrand, a brilliant journalist, politician and lawyer, was at the head of the editorial staff of the *Advocate*. They were brothers-in-law, having married the daughters of Mr. Morris of Kentucky.

General Albert Pike was added to the editorial staff of the *Advocate* in 1834, and in 1835 became the owner of the paper for one year or more, but was not involved to a great extent in the political animosities which originated before his advent in the territory.

These rival parties for political power embraced an intensity and determination of purpose rarely equaled, never surpassed, in the history of American politics. Each party was often carried beyond the bounds of moderation and temperate discussion. These intemperate discussions in time bore much bloody fruit, and gave Arkansas an unenviable name abroad, from which she has not entirely recovered to this day. The duelling code was then acknowledged as of binding force by men of national renown. Members of congress, governors, senators and a president had achieved the honors of the code.

During our territorial pupilage there was no neutral ground, even for the humblest voter. A new arrival was compelled to take shelter under one of the parties. These prefatory statements seem necessary as an act of justice, to the fame of a worthy man, whose name has suffered in some quarters, from having been associated with that of a desperado, by Alfred W. Arrington, whose eloquent and facile pen with poetic license, has left behind unjust and erroneous impressions.

"Fent. Noland," as he was familiarly called by those who knew him all his life, was born of highly respectable parentage, but, whether in Kentucky, as some assert, or in Virginia, as others assert, the author is unable to state. John Peel, the father of Sam. W. Peel, our member of congress from the fifth district, who came to Batesville in 1815, and who knew Noland from 1820, to his death, states that he was born in Kentucky, in 1807. On the other hand William F. Pope, who knew him

from 1836, to his death, says he was born in Loudon county, Virginia. These honored old citizens are both men of the highest respectability. The author mentions this to illustrate the great difficulty encountered in collecting history from oral and traditional sources

In a newspaper sketch of Governor Yell, the author stated he had three wives, and was instantly criticised by correspondents, and charged with inaccuracy, and a disposition to indulge in poetic license; but months after the author of the widely circulated criticism wrote: "You are correct; Governor Yell did have three wives."

Noland's father was the first receiver of the United States land office at Batesville, established in 1820. The son came with his father when he took charge of that office in 1820. Those who knew him in his boyhood, at Batesville, say he was a sprightly, spirited boy, with a heart full of sunshine, which he shared with all of his boyish companions, with whom he was always a leader, shunning, and teaching them to despise, a mean act. All of his impulses, even in those tender and generally thoughtless years, when the passions govern more than deliberation and reason, were brave, noble and generous. He was sent to the higher educational institutions, where he mastered an accomplished and classical education. He returned to his home in Batesville with a cultivated taste for letters, and was soon drawn into the exciting political contests of the day. He read law at Batesville under Richard Searcy, a local celebrity in that day, and was admitted to the bar in 1829.

He espoused the Crittenden party and wrote many gifted and spirited communications to the *Advocate*, which attracted much attention throughout the territory at the time. These earlier communications were published under the *nom-de-plume* of "Devereux." Later in life he wrote under the *nom-de-plume* of "Pete Whetstone." At the time the "Devereux" letters appeared, William Fountaine Pope, nephew and secretary to Governor John Pope, lived in Little Rock. He was an impulsive, ardent democrat, and wrote for the press over his own signature, and with much zeal attacked the doctrines advanced by "Devereux." This led to caustic criticism and the dueling ground. I am informed by contemporaneous authority,

which has every appearance of credibility, that young Pope threw down the gauntlet and cut off all resource but the field; and that Noland, contrary to the expectations of his friends, replied in a mild spirit, inviting, or rather leaving the way to conciliation open, but neither retracting nor apologizing for any thing which had appeared under the name of "Devereux." Young Pope treated the conciliatory spirit of his adversary with an air of haughty disdain, and denounced Noland in the press as a coward. Fatal mistake. Of all the proud spirits that ever animated an age of chivalry, Noland's was the least likely to suffer his manhood thus buried under the odium cast at him. This could lead to but one result, the dueling pistol supplanted the pen. Much controversy has been indulged by correspondents in the public press as to who were the seconds of the parties and as to where the duel was fought. After examining it all, the author is inclined to the opinion that it was fought in the then province of Texas, at a place known as Lost Prairie, on the 5th of February, 1831, and that Major Tom Scott was the second of Pope, and that Doctor Nimrod Menifee was the second of Noland.

This is the account given by William F. Pope, a near relative of the deceased, who knew all the parties, and is yet living (1887). Other parties of high respectability assert the duel was fought at Point Remove, then in the Cherokee nation, now Conway county, and that Wharton Rector and Doctor Menifee were the seconds. Snow was falling when the duel was fought. Noland's friend understood the cartel agreed on required each principal to be dressed in close-bodied blue coats, and Noland was so dressed, but Pope's friend did not so understand the agreement, and did not conform to it. Pope appeared on the field dressed in a light drab suit. This misunderstanding of the seconds at first threatened serious complications, but Noland waived his friend's interpretation of the cartel, to facilitate the final end, and to obviate further trouble, and they fought dressed as described. At the command "fire" the pistols exploded simultaneously. Pope fell mortally wounded; Noland was not touched. Thus ended a valuable life, sacrificed on the altar of custom and party spirit. Pope was wounded in the hip and demanded another fire, which was agreed to, but be-

fore the pistols could be loaded, he fainted from pain and loss of blood. He was not at first considered mortally wounded; he was carried from the field to Washington, in Hempstead county, under the care of a surgeon, and thence to Little Rock, where he died on the 17th of June, 1831. Both young men stood high in the esteem of their fellow citizens. The errors and misfortunes which led to the sacrifice grew out of the custom and spirit of the times in which they lived. Contemporaneous judgment was colored by the political bias in which it was conceived. The gifted Arrington has clouded the name of Noland with a powerful pen, and with too little care for accuracy.

The time has come when facts, removed from the cloudy sphere of politics, and the prejudice it always engenders, ought to assume their proper relation to history, and the good name of a public-spirited gentleman. Defamation has never hurled her poisonous shafts at the name of the gifted and gallant Pope; and without injustice to him truth may well drop a flower on the grave of his less fortunate rival. An episode, an incident, however seemingly trifling, often furnishes the key to a man's inward life. When Noland returned to Batesville after the duel, his political friends gathered around him, and some, thoughtless and unmindful, began to cheer, but he silenced the demonstration, threw his hands up in admonition, and his tears and speechless sorrow softened and saddened, and silenced all. A kinder-hearted and more sympathetic man never lived. No man was ever truer to his friends and his own noble impulses. He was passionately fond of children, and tender with the feelings of others. He was three times elected to the legislature from Independence county — in 1838, 1840, and again in 1846. In the memorable contest for the United States senate in 1848 he received the caucus nomination and votes of the whig party. In 1836, he was chosen by the constitutional convention to take the new constitution to Washington. In 1855, Chancellor Fairchild, who had long been his neighbor and friend, appointed him receiver of the old Real Estate Bank, and he moved to Little Rock to attend to the duties of the office. Elias N. Conway was then governor, and as such had no legal power to control the chancellor, or remove the receiver;

but he was a very strong partisan, and never forgave a political opponent, and tradition says, demanded of the chancellor the removal of Noland. And the chancellor forgot the high and independent prerogatives that belong to the bench, and complied by removing the receiver. This is stoutly, and with great plausibility, denied by Governor Conway, and he is entitled to the democratic as well as the whig version.

I am told by those who knew all the actors in this singular drama, that the unauthorized act of the governor called forth one of the finest productions of Noland's accomplished pen—that it was able, dignified, severely caustic. Physically, he was always delicate, and from early manhood consumption singled him out as its ultimate victim. He died near Little Rock, in 1859-60, the precise date is not known to the author. For many years he was correspondent for the New York *Spirit of the Times*, under the *nom-de-plume* of "Pete Whetstone," and wrote striking and graphic descriptions of frontier life, which were copied extensively throughout the United States. He was on the editorial staff of the *Gazette* prior to the war, and his graceful pen adorned its columns. He always regretted the events that led to the death of Pope, and it is a crime to shadow his name because of that event. He tried to avoid it, without sacrifice. In his youth, and the heat of great political excitement, he wrote in a spirit of conciliation and peace, but it was misconstrued, misunderstood, and the gate was forever closed by his rival's hand. Let the eloquence of Arrington exhaust itself, and his powerful phillipic mislead mankind; and yet the facts, pure and stainless, will survive and rise up in their own vindication before the books are forever closed.

WILLIAM K. SEBASTIAN.

William K. Sebastian was born about 1812, in Hickman county, Tennessee, and there grew to manhood, acquiring an accomplished education. He studied law and was admitted to the bar in Tennessee when quite a young man. In 1835, he moved to Arkansas, and first located in Monroe county, but did not remain there long, until he moved to Helena, in Phillips county, where he remained until the unpleasant vicissitudes of the civil war influenced him to temporarily abandon his

home. In 1837, he was elected by the legislature prosecuting attorney for the first circuit, and discharged the duties of the office with much ability.

In the fall of 1838, he married Miss Amelia Dunn (a native of Phillips county), the daughter of an influential and wealthy planter. This was on the eve of returning prosperity, just after the great financial crisis of 1837. Then, to be a large planter and cotton grower in the south, was a distinction next to high official preferment. Judge Sebastian, with his young bride, established himself on a large cotton farm near Helena, but drove into town every day and kept up his professional employment. One of his able competitors at the bar, who knew him from 1835, until his death, in a letter to the author says: "His business at the bar gradually increased until he became the leading member of the bar, then composed of well-educated and able men." Helena has always had an able bar. In 1840, the legislature elected him judge of the first circuit, a position he filled with distinction, and resigned in 1843, to accept the office of associate justice of the supreme court, by appointment from Governor Yell, until the legislature could fill the office by election. In the winter of 1844-5 he was defeated for the office of associate justice of the supreme court by George W. Paschal, then living at Van Buren, in the "great north-west," which has been the geographical battle-cry in many hard-fought political contests, as though geography was a potent agent in determining a man's qualifications.

That thoroughly polished and accomplished jurist, Thomas J. Lacy, was then on the supreme bench, and lived in Phillips county. But for this fact the probabilities are strong that Judge Sebastian would have spent a long career on the bench, and become a distinguished jurist. He was eminently fitted by nature and culture for such attainment. He was as free from prejudice as any man I ever knew, and in all his intercourse with men appeared to be wholly devoid of passion. The author knew him intimately the last ten years of his life, enjoyed his confidence, and feels qualified to judge of the beautiful inward, as well as attractive exterior life of the man. He had no desire for the great antagonisms of life; nature had clothed him in complete armor against such warfare. This

secured his election to the senate in 1848, after other antagonists had worn themselves out. Most men of positive natures, and modes of thought and action, who become distinguished in political life, cannot avoid the friction of antagonism. Sebastian was an eminent exception to the rule. He possessed great magnetism without the slightest indication that he knew it. He was always cool and self-possessed, and could stand on the deck of an ocean steamer in a storm as passionless as marble. And yet, he was noble and generous to friends, considerate and forgiving to foes. Animosity and revenge, found no place in his heart; if so, the world never discovered it. His countenance was always placid and engaging. Sunshine found constant expression in his face and a home in his heart. His head was massive; his eye and brow strongly indicated intellectual power. In 1846, he was elected to the State senate, and was chosen president of that body. The Hon. Chester Ashley died in April, 1848, and Governor Drew appointed Judge Sebastian to the vacant seat in the senate until it could be filled by election.

When the legislature, in November of that year, convened, a memorable contest for senatorial honors was inaugurated. Judge Oldham of the north-west, Judge Sebastian of the south-east, and Samuel H. Hempstead of the central division, were the opposing candidates; the balloting being without result for several weeks. The whigs, then largely in the minority, voted for Fent. M. C. Noland. Finally Hempstead withdrew, and his vote elected Sebastian. In all, he was appointed once and elected three successive times to the senate; his last term would have expired March 4, 1865. When he entered the senate he was but thirty-six years old, and the youngest member then in that body. He did not, like most of the senators from the southern States, vacate his seat in the senate when secession and civil war was inaugurated. He was strongly attached to the Union, and conscientiously believed it his duty to remain at his official post, and, like Andrew Johnson, did so, but from nobler motives. He loved the Union of these States with an ardent devotion, and he loved the people of his native south as he did his mother; but, unlike Andrew Johnson, as day is from night, he never suffered his soul tar-

nished with the idea of taking up arms and striking them down in blood. The thirst and lust for place and power did not seduce him into treason against the loftier and nobler sentiments of true manhood. He did not get on the housetops, like Johnson, to decry and vilify the people of the south, and make capital that he might ride into power on the wave that submerged his people in one chaos of ruin. He could have had a general's commission, and could have come back to the south in purple and blood, if he had subordinated the higher attributes of his nature to an unholy ambition.

But he chose to remain neutral, and be swallowed up in the common ruin, rather than to come back to his constituents with a sword red with the blood of those who had loved and honored him. Noble Sebastian! May the guardian angels of fame forever keep vigil over the urn that holds your ashes. You went down in the wreck, and died under the accumulated weight of sorrows and misfortunes you could bear no longer, but you preserved your honor pure and holy, and left your children the inheritance of an untarnished and noble name.

The senate, in the stormy period of 1861, after all the senators from the south had left but Johnson and Sebastian, suspected the latter of treasonable designs, and expelled him, because he did not invoke a curse on his head, by loud-mouthed denunciation of his people like Johnson, the demagogue, who achieved place and power as the price for turning on the people who had honored and elevated him, and covered his name in an innocent woman's blood and eternal shame that he might keep ill-gotten power. This is the end of the two southern Union senators who kept their seats. In 1878 the senate rescinded the act of expulsion.

After leaving Washington in 1861, Judge Sebastian came to Helena to live among his people whom he loved, although differing with a large majority of them so widely. During the progress of the war his wife and eldest daughter died, and are buried in the hills near Helena overlooking the great Father of Waters. Troubles gathered and thickened around him, and forced him to temporarily leave his home and seek kindlier skies elsewhere. He came to Memphis where the author then lived, and was a frequent and more than welcome visitor.

Never did a great soul, laboring under deep afflictions and great disasters, shine with greater radiance than his the last year of his life. He was true to his convictions and high sense of honor under the greatest temptations to ignore the line of action marked out for himself. His pensive face was the index to the highest philosophy, man can embrace to sustain him against the inflictions imposed by an unjust and thoughtless world. The frenzy of the southern revolutionist, denied him just consideration, and the free exercise of the rights they claimed to be at war for; and the northern invader denied the rights of neutrality, which he assumed and maintained undefiled to the end, which came to him at Memphis, Tennessee, just before the close of the war. The iron nerves and heroic will of a resolute nature, could not stand the tension indefinitely, and gave way to an invitation to the kind offices of death, which is often a "blessing in disguise." He was buried in a temporary mausoleum to await a better day for interment beside his wife and children. It came, and kind hands and hearts laid his remains to rest beside those of his wife and four children. During his thirteen years' service in the senate, he was always chairman of some important committee and always at his post. He was not what the world calls brilliant, but he was able and eminently conservative, and competent to the demands of every station in life.

JUDGE ALFRED B. GREENWOOD, BENTONVILLE.

Judge Greenwood was born in Franklin county, Georgia, July 11, 1811. He was educated in the common schools then prevalent, and there prepared for the higher academic branches which he pursued until he completed a classical education. He completed a thorough course of legal studies, and was admitted to the bar in Georgia, where he practiced but a short time before coming to Arkansas. In 1838, he located at Bentonville, the county seat of Benton county, where he has since resided. In 1842, and again in 1844, he was a member of the legislature. In 1845, he was chosen by the legislature prosecuting attorney for his circuit, and served in that capacity until he was elected judge of the circuit in 1851. In 1853, 1855 and 1857 he was successively nominated by the democracy, and elected

to congress from the first district. His legislative career in Washington was an honorable and successful one, and made a flattering impression on the minds of the great party leaders of that era. President Buchanan gave him charge of a bureau as commissioner of Indian affairs, in recognition of his ability and service to his party.

When Jacob Thompson resigned his seat in President Buchanan's cabinet, the vacant portfolio of the interior was tendered Judge Greenwood, who, after mature consideration, declined it, because war between the States seemed inevitable, and he did not wish to occupy a doubtful or questionable position before the southern people. Thus ended the political career of this noble type of the old school, who, through all the changing fortunes and vicissitudes of a long and honorable life, has ever been governed and guided by a robust and vigorous integrity. Since the close of the civil war, he has been leading a quiet and retired life in the bosom of his family and friends at Bentonville, engaged in the practice of his profession. He is yet full of life and vigor, and wit and humor, and enjoys a good old hilarious laugh to the full measure of rotund capacity. The sunshine and the inviting smile which beam from his eyes and face at the same time in pleasant rivalry become contagious in his presence. These impressions and convictions were made on the author, who loves a man who can stand in the midst of misfortunes, and yet with a clear vision, see the sunny side of life.

JOHN J. CLENDENIN.

Judge Clendenin was born in Harrisburgh, Pennsylvania, in 1813, where he lived many years, laboring to support a widowed mother, brothers and sisters. These duties, so well discharged by the youth, much impeded his progress in the acquisition of an education, but he finally overcame the obstacle, and acquired a good business education. He was clerk in the post-office at Harrisburgh for many years. His studious habits and gentlemanly bearing commended him to the gifted and accomplished George M. Dallas, with whom he read law several years.

In 1834 or '5 he came south as clerk to Simon Cameron, who



HON. JOHN JOSEPH CLENDENIN.

had a large levee contract in Louisiana. In 1836, he came to Arkansas, where the first employment we find him engaged in, was, as private secretary to Governor James S. Conway during his canvass against Absalom Fowler for governor. This relation continued until the expiration of Governor Conway's term of office in 1840. On the 28th of December, 1840, the powerful Conway influence aided his election by the legislature to the office of judge of the fifth circuit. In 1844, he was again elected circuit judge, and resigned the office in 1846, to accept an appointment as quarter-master in the United States army, an office he soon tired of, and resigned. Returning to Little Rock in 1848, his friend and brother-in-law, the late Judge George C. Watkins, resigned the office of attorney-general to make room for him, and he was in February, 1849, elected to that important office, holding it until the 6th of September, 1854, on which date he was for the third time elected judge of the fifth circuit. In 1858, he was again elected circuit judge, and held the office until the war interrupted its administration.

In 1866, he was elected associate justice of the supreme court, but was soon driven from office by General C. H. Smith, military commander of the sub-district of Arkansas, under the reconstruction acts. In 1874, Judge Clendenin was the fifth time elected judge of the fifth circuit, and he died with the harness on, on the 4th of July, 1876. He possessed a lovely and amiable disposition; was born a gentleman; had a sound, native judgment, but was never a close student. In the administration of law, he relied much on his intuitive sense of justice. Careful and considerate of the feelings of others, he demanded the same respect from them. He loved agriculture, and a farmer's life, and could, for hours, entertain the sons of husbandry, and they were very fond of his society.

HON. GEORGE CLAIBORNE WATKINS, THIRD CHIEF JUSTICE.

Judge Watkins was born in Shelbyville, Kentucky, November 25, 1815, the son of Major Isaac Watkins, who immigrated in 1821, and became one of the first settlers of Little Rock. His education was systematic, thorough and classical, based on mental foundations which developed the reasoning

rather than the imaginative faculties. The foundations of his professional learning were laid in Litchfield, Connecticut, at the first law school established in the United States. James Gould and Tapping Reeve were the founders of the school, greatly celebrated in its day. He returned from Litchfield in 1837, at the close of his twenty-second year, ripe in scholarly and professional foundations for one so young. He was immediately invited to a partnership with Chester Ashley, who was without a ranking peer in the State.

A systematic and laborious student, he rose rapidly in his profession. When thirty-three years old he was made attorney-general of the State, holding the office but two years, resigning to make room for a personal friend who was without practice — an act of noble generosity in conflict with the observation of Thomas Jefferson.

In 1852, at the earnest solicitation of his brothers of the bar, he was unanimously elected chief justice of the supreme court at the age of thirty-seven, and resigned the high office in 1854 from profound convictions of duty based on refined and delicate considerations. His late partner, the gifted and lamented James M. Curran, had recently died, a martyr to his profession, before discharging all the joint obligations due to their clientage. These high offices came without seeking; were thrust on him, and the motives dictating the resignation of both attest the refined professional and ethical philosophy which dominated a noble and generous nature. Of his labors on the bench Judge U. M. Rose says: "At the time he went to the bench the docket was greatly in arrear; the judges were poorly paid — not sufficient to support them without resort to their private estate, especially if they lived at the capital city, as he did. He set himself diligently to bring up the arrears of business, and succeeded, with the assistance of his colleagues, before he retired from the bench. A large number of opinions settling many of the most important questions were delivered by him, showing he must have been extremely laborious in the discharge of official duty. His opinions are the subject of legitimate criticism; they have stood all the examinations, and the most stringent tests have been applied. I am now under the impression that none of them have



GEORGE C. WATKINS.

been overruled, I speak only as my memory serves me." This is a high meed of praise, coming as it does from a frank and candid source fully competent to judge. He zealously supported the cause of the south in the war between the States, and gave three young sons to swell her armies and fight her battles. His eldest son, Colonel Anderson Watkins, rose from the rank of private to that of colonel of the Eighth Arkansas Volunteers. This young hero was worthy of the noble sire who gave him the sword he honored so well; he fought unharmed in eighteen battles and died at the head of his regiment in the battle of Atlanta, in the twenty-second year of his age. When the war ended he resumed the practice of law and became a martyr to its ceaseless drafts on his physical and mental energies. Overwork brought on premature decay and death. The late Chief Justice English says of him: "He taxed a frail physical constitution by long years of incessant mental labor, until his vital energies and nervous forces were exhausted, and to the regret of all he sank prematurely to the grave." Judge Rose says of him: "With an extremely delicate and fragile constitution, he had the capacity for an immense amount of labor. Through conscientious regard for duty he gave to details the most minute attention, and bestowed on every thing a double amount of work. I do not think his sincerity and integrity were ever questioned in any matter, small or great. His word, once given, was irrevocable; nor did he ever attempt to change its effect by any evasion, however unexpectedly its results might bear heavily upon him. With an even temper and mental discipline which kept him always on guard, a quiet and uniform deportment, he possessed strong feelings and a nerve of iron. His reverence for the courts and administration of justice amounted to religion. His judgment was charitable, and he rarely spoke with great severity. His official life was without a blemish, his private life without a stain." These convictions and utterances came from one who knew him intimately in all the walks and relations of life. In 1841 he married Miss Mary Crease, who died in 1855. His second wife was Mrs. Sophia Curran, daughter of Senator William S. Fulton. In 1872 the physical constitution of Judge Watkins gave way to overtaxed energies, and he visited the

springs of Virginia and the pure air of Colorado, attended by his honored and devoted son, Doctor Claiborne Watkins, but the vital forces could not be recruited, and he died in St. Louis, on the 7th of December, 1872, on his way home. In early manhood he professed religion, and lived up to its tenets.

JUDGE THOMAS WALKER POUND, YELL COUNTY.

Judge Pound was born in Rockingham county, North Carolina, April 5, 1811, of English-German descent. At this distant day it is impossible to trace back the lineage of the family to its first establishment in America, there being no such record known now to any of the living representatives of the family. In early youth the boy crossed the Alleghanies with his own, and a number of other pioneer families on the road to Kentucky, where his father settled in the wilderness. There was no school in the forest where his father settled, and the practical, utilitarian demands of the times did not present any seeming demand for scholastic pursuits or attainment. The result was the boy grew up amidst wild frontier scenes and pursuits without acquiring any knowledge of letters, or being impressed with the conviction that an education is an important agent in life. But this idea, or rather apparent lethargy and indifference, was at an early age dispelled, as the young man came in contact with a higher civilization than that developed in the forest, and with a knowledge that education is necessary to higher advancement came desire and determination to acquire it; and he thus became his own teacher, and by force of unaided exertion he acquired a good practical English education, and became conversant with a vast range of history, ancient and modern.

At twenty-four years of age he moved to Mississippi and embarked in agricultural pursuits. In 1843 he moved to Yell county, Arkansas, where he resided until his death, December 24, 1884. In 1846 he was elected clerk of Yell county, and held the office continuously until 1860, when he retired and commenced the practice of his profession at Danville, the county seat. In law, as in literature, Judge Pound was his own teacher, and was admitted to the bar by the supreme court in 1855. At the commencement of the war he cast his fortunes



HON. THOMAS WALKER POUND.

with the south, and entered her military service, and was appointed quarter-master with the rank of colonel in the trans-Mississippi department, and served continuously in that capacity until the close of the war, after which he returned to Danville to mend up his broken and lost fortune. In 1866 the electors of Yell county elected him to the legislature, and he devoted his time and energy to the service of the State during that memorable session. In 1878 Governor Miller appointed him judge of the fifth judicial circuit to fill the unexpired term of Judge Mansfield, who had resigned the office, and he filled the office with honor and credit to himself and the State. Judge Pound died as he had lived, an honored and upright man; no man was ever loved and respected more by his fellow citizens than he was; he was not a brilliant man by any means, but he was eminently honest in intention and pure at heart, and was a wise and safe counselor in all things.

JONAS MARCH TIBBITTS, FAYETTEVILLE.

Jonas March Tibbitts, a native of New Hampshire, came to Arkansas in "the thirties" and settled in Fayetteville, where he remained until 1861, when he went north because he did not wish to participate in "the late unpleasantness." In 1844 he was elected prosecuting attorney, and held the office two years under the judicial administration of R. S. C. Brown. In 1850 he was elected to the legislature from Washington county, and there laid the foundation of his rapidly-acquired fortune. He was elected attorney for the old State Bank, and took charge of all its business connected with the Fayetteville branch, which embraced all the financial interests of the bank in north-western Arkansas. The bank was in liquidation; a very large amount of its assets passed through the hands of the bank attorney for collection.

The State aid bonds loaned to the bank, and the outstanding issue of the bank were receivable at par for all debts due the bank. The State aid bonds were depreciated to twenty-eight cents, and the bank issue to fifty cents on the dollar. Thrifty Jonas made large collections for the bank, bought up its depreciated securities and settled with the bank at their face value, so his contemporaries say, and made a fortune out of State clientage.

ALFRED W. ARRINGTON.

In all the creations of omniscient power there is nothing so inexplicably strange and curious to the inquiring mind as the complex mechanism evinced in the delicate organism of the human mind. In all the stores of either sacred or profane



learning, there is nothing more conclusive to enlightened man, of God, and infinity, and immortality. Throw theology to the winds, consign its complex mysticism to oblivion, and we have the vehement conclusion left. Great talents and great vices are often wedded in the same mind, and their compound results emblazon the world's history as far back as her authentic records extend, and when these fail us, legend and tradition lift and lend their dim lights in confirmation of the fact that imperfection is one of the primal laws of man's creation. Deny this and we embrace a theory destructive of the uni-

verse; deny it and we crown chaos; deny it and we strike down that infinite wisdom and progression leading onward and upward in eternal gradation. The strange character, the curious compound of frailty and greatness we now sketch give rise to these reflections. One Sabbath morning in 1833, two promising young whig lawyers sat in animated conversation, about the prominent features of Jackson's expiring administration, and the chances for the succession in the approaching election, to fill the electoral college. A young itinerant Methodist divine had just arrived, and was announced as the officiating minister that morning in the little log church which then stood where the Capitol hotel now stands in Little Rock.

Absalom Fowler and Jesse Turner, impelled as much by curiosity to hear the young divine as by devotional feeling, entered the primitive sanctuary just as Alfred W. Arrington was announcing his text, "Evidence of the existence of God." The young auditors went away with the conviction that they had listened to the inspiration of no ordinary man. On their minds

he left a fadeless impression. His language and voice rose in musical cadence on ornate key, and gradually expanded into rapturous rhythm and a wilderness of splendor. He carried his auditory on magnetic wing in a tireless flight, and then, with the greatest facility and without the slightest friction, passed to grave argument and resistless logic.

The next year this erratic genius appeared in Fayetteville as the pastor of the local Methodist church, and drew immense audiences, but soon became involved in a *crim. con.* scandal, which was suppressed for a time, but ultimated in expulsion. From the Methodist he fled to the Campbellite church, and there officiated and flourished for a short time as a star of the first magnitude. But his worldly example did not harmonize with orthodox teachings, and he abandoned the church altogether, and took refuge in skepticism and deism. At this point in his history he read law and was admitted to the bar in Fayetteville, and rapidly ascended to the zenith of his profession from the first case he argued. The mantle of a tyro never rested on his shoulders. He took the position of a master at once. His speeches were not all flashes of ornate and lingual splendor; he combined chaste and elaborate rhetoric with a just and fascinating logic. When he chose to deal in phillipic, he turned on his adversary like "a cataract of fire."

In 1842 he was elected on the whig ticket from Washington county to the legislature. He wrote a series of pamphlets called "*South-West Desperadoes*" which had a wide circulation at the time, but he wrote with more than poetic license, and when he wanted an incident or fact his fertile imagination supplied it. He wrote many fancy sketches of trials at which such celebrities as General Pike, Sargeant S. Prentiss, Chester Ashley and John Taylor figured, some in the character of the mock heroic, to heighten the striking contrast with his fabled hero. These fugitive sketches gave him a national fame. He was very studious at times; in common with other lawyers of the day, he rode the circuit on horseback, and would often read for hours in the saddle. When he wanted relaxation he threw his books down and "painted the town." Once he called a large mass meeting and promised a free barbecue and plenty of free *liquor*, at which neither was to be had. When the assem-

blage became angry and restless, he mounted an improvised rostrum, and made one of the finest temperance addresses ever delivered by man, and left many in tears and all in revolt against whisky. Afterward when speaking of this event to "Honest Alf. Wilson," he said: "Alf. when I made that big temperance speech, I had a pint under my belt." He was square built, weighed two hundred pounds, had large gray eyes always wide open, auburn hair, light complexion, long arms and enormous pedal extremities, was careless and inattentive to dress, and presented, in the general physical make-up, a very awkward appearance. By those who knew him, this is said to be a good photo of Arrington the celebrated. He was a whig elector in the campaign of 1844, pitted against Chester Ashley, but before completing the canvass he abandoned it and went to Texas with a mistress, leaving an estimable wife and several children, without any cause, whatever, and never returned to them. After a short probation in Texas, he was elected circuit judge, but great public dissatisfaction soon arose, and an effort was made to impeach him, but the author is not acquainted with the details. From Texas he went to Chicago, whither his fame as a lawyer and orator without his imperfections had preceded him; he took the city by storm and soon had an immense practice. In Chicago he married a lady of refinement and culture known to the literary world. The late James R. Pettigrew told the author that the late Judge David Davis said he heard Arrington in the supreme court of Illinois make one of the finest arguments he ever heard. His rapid rise in Chicago is without parallel in the history of the profession. He was a native of Indiana. He died a few years ago in Illinois.

HON. ALFRED M. WILSON, FAYETTEVILLE.

Alfred M. Wilson, the son of James Wilson and Martha M. McElroy, was born on a farm near Fayetteville, in Lincoln county, Tennessee, the 8th of June, 1817, and, as the name of his ancestors indicates, is of Scotch-Irish descent. His grandfather, Captain William Wilson, immigrated from South Carolina in 1782 to Kentucky, and there became associated with and the intimate companion of Daniel Boone, and shared his dangers in the frontier Indian wars, and finally lost his life in



ALFRED M. WILSON.

an ambuscade when pursuing the Indians. He is descended from James Wilson, of revolutionary fame, who signed the Declaration of Independence. On his mother's side he is related to Governor Proctor Knott of Kentucky, and to Mrs. U. M. Rose of Little Rock. His educational facilities were quite limited, and he belongs to that very numerous class of public men who owe their education to their own aspirations and unaided exertions to rise above the station in life in which they were born. In 1837 his parents joined that numerous colony of Tennessee immigrants who settled in Washington county, Arkansas. He borrowed law books from Governor Yell, his warm personal friend, and educated himself in the legal profession, and was admitted to the bar at Fayetteville in 1839. In 1840, during his absence from the State, the legislature, without his solicitation, elected him prosecuting attorney for the fourth circuit, then embracing ten counties. In 1842 he was re-elected over the opposition of Isaac Murphy, who was governor in the reconstruction period. In 1846, by request, he drafted the bill providing for the liquidation of the old State Bank, which became a law. Under the provisions of this law the legislature unanimously elected him attorney for the Branch State Bank at Fayetteville, the business of which extended over all north-west Arkansas, and embraced fourteen counties. He was required to give a bond of \$30,000. This, to a poor man whose family and possessions consisted of himself and gray horse presented a great obstacle, and Colonel Wilson determined to ask no man or friend to assume such an obligation for him. He was as sensitive as he was honest and worthy. In this dilemma Governor Yell and Colonel McKissick came to his rescue and voluntarily made his bond. More than \$200,000 of the bank's assets passed through his hands, and he finally resigned his position as attorney for the bank a poorer man than when he accepted the trust. His faithful services and fidelity to the interests of the bank caused its officers to present him with a very flattering set of resolutions. In 1846 there was a memorable contest for the seat in congress made vacant by the resignation of Governor Yell. Colonel Robert W. Johnson and Judge William S. Oldham were the contestants. Colonel Wilson was not an aspirant, but during his ab-

sence in Tennessee, and without his knowledge, his friends announced him as a candidate. Up to this time he had been a very warm friend and supporter of Judge Oldham, to whose elevation to the supreme bench he had largely contributed.

Judge Oldham, after being assured of Colonel Wilson's declension, continued to assail him. This resulted in great animosity, and led Colonel Wilson to very actively promote the canvass and election of Colonel Johnson to congress. In 1848 Judge Oldham was a formidable candidate for the United States senate, and would have been elected but for the opposition he had needlessly aroused in Colonel Wilson. The colonel is a warm, steadfast friend, and when the gauntlet is thrown down by an adversary his motto is: "Lay on, Macduff! and damned be he who first cries, hold! enough." To thwart Judge Oldham's aspirations he asked the electors of Washington, where they both lived, for a seat in the legislature, and they accorded it to him. In this memorable contest Judge Oldham entered the race thirty-six strong. Judge W. K. Sebastian had eighteen followers, and Samuel H. Hempstead had ten resolute supporters. The remainder was scattering, and it was the generally received opinion that when Hempstead or Sebastian gave way Judge Oldham would be elected. But Colonel Wilson worked with well-directed diplomacy, and succeeded ultimately in electing Judge Sebastian, the youngest senator on the floor of congress when he took his seat. Judge Sebastian was long the author's friend; from him and Colonel Wilson the facts relating to this contest are derived.

In 1852, without any knowledge on his part, the Arkansas delegation in congress unanimously recommended him to the president for the appointment of United States district attorney for the western district of Arkansas, and the president ratified their choice. In 1856 he said to his personal friend, Colonel Robert W. Johnson: "Bob, pay off your political debts with my office; I am not an applicant for the place." But to his surprise President Buchanan appointed him on the faith of a statement made to him by a clerk in the department of justice, to the effect that he was one of the best officers in the service. The president took this step after finding the Arkansas delegation did not intend to recommend any person for his

successor. During his eight years' service in this office he did not present a single claim for extra services. At the end of his term Governor Madill, then solicitor of the treasury, awarded him \$3,000 for extra services, without any solicitation therefor.

The civil war found him in possession of a handsome fortune, accumulated by his talent and prudent management, but it was all swept away in the destructive flood of war. He heartily espoused the cause of the south, and took part in the strife as colonel of a local military organization, and was engaged in some conflicts of serious import about Fayetteville. The torch was applied to his fine mansion and many other buildings belonging to him, and the close of the war found him and his family without shelter and penniless. He moved into an old, deserted shanty in Fayetteville, and went to work to support his family and rebuild his fortune, and in nothing has this worthy citizen ever displayed more moral courage than in his noble, heroic struggles at this period in his life. The palaces of the opulent and great do not furnish rich nourishment for the normal development of the higher and nobler phases of human life. The sordid and corroding influences of selfish ambition often smother the well-springs of true greatness; not that greatness which strikes and dazzles the superficial multitude, but that true nobility of nature which springs from and is born of suffering. In 1877 he was elected to the senate, and served his constituents four years.

In 1880 he was a very prominent candidate for governor, and his friends say ought to have received the nomination but for the unjustifiable defection of the delegations from two counties. He is possessed of a rich and striking vein of original wit and humor. Once when riding with some friends past a battle-field, where he had commanded against the Federals, he said: "Boys, a remarkable coolness sprung up between me and the Federals there, one hot day during the war." He has always commanded the confidence and esteem of his fellow citizens, and has ever been faithful to every trust in all the relations of life. His talented son, Robert, is associated with him in the practice of his profession.

HON. JOHN M. WILSON, CLARKSVILLE.

Judge Wilson, the elder brother of Hon. Alfred M. Wilson of Fayetteville, was born on a farm near Fayetteville, Tennessee, on the 31st of May, 1805, and was educated in the common schools of the vicinage. He read law under James Fulton, an able lawyer at Fayetteville, Tennessee, and was admitted to the bar there in 1830. He came to Arkansas in 1835, and located at Carrollton in Carroll county. In 1840 he moved to Clarksville in Franklin county, where he continued to reside until his death in 1867. In 1859 the legislature elected him judge of the fourth circuit, and he discharged the duties of the office to the entire satisfaction of the public. He was a good lawyer, an honest man, and a good citizen in all the walks and relations of life. He was never a candidate for office; when elected judge, he was put forward by his friends. He died at Clarksville in August, 1867.

SAMUEL HUTCHINSON HEMPSTEAD, LITTLE ROCK.

Samuel H. Hempstead was born in New London, Connecticut, November 26, 1814, and came west with his parents in 1820 to St. Louis, Missouri. Of his boyhood we know nothing except the fact that he lived in St. Louis until he attained to years of majority. It is painful to be forced to this confession and to give up to the ravages of obscure events of such recent date when they relate to an interesting, historic character. All of his valuable papers and correspondence perished in the vicissitudes of war, and he died during its progress, leaving his promising little boy, Fay, and all of his representatives without the means of preserving his early biographical history. All of his relations, lineal and collateral, have passed away, save his son, Fay. But it is known that whilst a young man, in the service of a mercantile establishment in St. Louis, he attracted the attention of Thomas H. Benton, and soon became the *protege* of this great man, with whom he read law. He was admitted to the bar in St. Louis in 1835, and in 1836 came to Little Rock and at once entered on a brilliant professional career. Soon after his arrival he was elected chief clerk of the house of representatives, and held the office during the sessions of 1836,

1837 and 1838. About 1840 he entered into partnership with Robert W. Johnson. In 1844 President Polk appointed him United States attorney for the district of Arkansas, and herein we trace the legible hand of his powerful friend at court, Thomas H. Benton, who gave the senate forthwith to be informed who Samuel H. Hempstead was, when his obscurity was intimated before that body. In 1852 he was presidential elector on the democratic ticket for the State at large, and canvassed the entire State. In 1856 he was appointed solicitor-general for the State by Governor Elias N. Conway, and was confirmed by the senate, and discharged the duties of that office three years. In 1856 he published a volume of decisions of the United States district and circuit courts of Arkansas, known as Hempstead's Reports. He was frequently appointed special judge of the supreme court, and in that capacity he builded the best monument to his fame, one that will outlive a shaft of marble.

In 1853 the legislature gave us our statute of descents and distributions, which admitted a very wide field of interpretation and construction, and invited judicial legislation. The wisdom of the legislator was obscured in the uncertainty of language, which invited profound thought and the highest art of the jurist in interpreting and making plain the obscurity of language. The questions involved in this statute came before Judge Hempstead in the leading and celebrated case of *Kelly's Heirs and others* against *McGuire and others*, reported in 15 Arkansas Reports. The evolution and preparation of an opinion in this case involved more time and profound study than any case ever delivered in the courts of Arkansas, and a masterly opinion was ultimately evolved, which has become a fixed rule of property. The inward or secret history of this case ought no longer to rest in tradition, and I will record it: After laborious investigation and study for months, an elaborate and exhaustive opinion was finally prepared, and by its author was *privately submitted* to the judgment and consideration of an able circle of lawyers, who disapproved of the original draft and the conclusions therein announced, and after luminous discussion in a field so fruitful and inviting to opposite conclusions. the judge became convinced, and consigned his original draft of the opinion to the flames, and prepared

the opinion as published. This one decision has given its author a passport to fame. He was defeated for the United States senate in 1848 by W. K. Sebastian. Judge Hempstead died at his home in Little Rock, June 25, 1862, in the forty-eighth year of his age, and meridian splendor of an unclouded intellect.

JUDGE W. S. OLDHAM, FAYETTEVILLE.

Judge Oldham was born near Winchester, in Franklin county, Tennessee, in 1810. He was liberally educated; studied law, and for a short time practiced in Winchester. In 1835 he came to Arkansas, and settled in Fayetteville, where he continued to reside as long as he made Arkansas his home. He married the daughter of Colonel James McKissick, a wealthy, influential citizen and director of the Branch State Bank at Fayetteville. This connection promoted his aspiring and ambitious views, and secured him the lucrative and prominent position of bank attorney as early as 1837. The Branch Bank at Fayetteville at that time was the fiscal agent for north-west Arkansas.

In 1838 he was elected to the legislature. In 1842 he was again elected from Washington on the democratic ticket. At that time Washington was by far the most populous county in the State, and sent six representatives to the house. Crawford was the next in population and sent three representatives. At this session he was elected speaker of the house. In 1845 he was elected by the legislature associate justice of the supreme court, but his taste and inclinations led him to prefer political to judicial life, and he did not remain on the bench long. In 1846 he engaged in a very animated contest for congress against Colonel Robert W. Johnson with Colonel Alfred M. Wilson of Fayetteville as a tender to hold "the great north-west" in check and to give it to Colonel Johnson in the end. This powerful combination was of singular origin, and may be traced to Judge Oldham's too sanguine estimate of his own abilities and influence when antagonized by great popular leaders, and especially to his inability to fathom and control men. "Honest Alf. Wilson" was always a tower of strength in "the great north-west"*

* For particulars see life of Alfred M. Wilson, page 282.

but had no inclination to go to congress. Personally he was strongly attracted to Judge Oldham, to whom he had thrown all of his strength in his contest against one of the famous and popular Conways for a seat on the supreme bench in 1845. Judge Oldham soon after removed to Austin, Texas, and there became influential in social, professional and political circles, and during the war of the rebellion represented Texas in the Confederate senate. If he had been kind to Wilson, instead of aggressive and defiant after the latter invited conciliation, he would unquestionably have been elected to the United States senate. He died in Austin a few years ago.

JUDGE GEORGE W. PASCHAL.

Judge Paschal came from Georgia about 1837, and settled at Van Buren. His wife was a full-blooded Cherokee Indian, an educated, celebrated beauty, descended from a long line of Indian chiefs. She was gifted with fine conversational powers, and imparted a charm to the social circle. She was aunt to Elias C. Boudinot, who is, perhaps, the most learned and celebrated of his race. Of Judge Paschal's early history nothing is known to the author. Judge William Walker, who knew him well, is of opinion he was of Hebrew origin. He was small in stature, had dark hair and eyes, and was possessed of an energetic, nervous temperament. He came to Van Buren, with his young wife, in the uniform of a soldier. He was a great and almost constant worker; delighted in composition; wrote a romance and read the manuscript to a few select friends, including John Linton, but whether ever published the author is not informed. In the court-room he was ever restless and nervous, and was noted for the habit of walking the floor, with book in hand. He was not long in establishing local fame as a lawyer, which soon extended to the limits of his adopted State, and ultimately became national.

There is a sorrowful romance connected with his blood and his fame. It is said his brother was much the greater lawyer, but a calamity overtook him in Georgia and he fled the State, under an assumed name, and went to Louisiana, where he was known as Mr. Brewer. From Louisiana, he was extradited to Georgia during his brother George's residence in Van Buren.

The trouble passed away, and Mr. Brewer came to Van Buren and entered the office of George W. Paschal. He, it is said, inspired and originated the higher order of brain-work emanating from the office of Paschal & Brewer. The laws of Texas were afterward codified and digested in a voluminous and masterly manner, and herein hearsay and tradition proclaim that the unseen pen of the master was guided and inspired by Mr. Brewer. Whether true or false the author, of his own knowledge, does not know — but it is a matter of certainty that Paschal achieved a large measure of fame in Texas which followed him to Washington and expanded to national proportions. In 1842 the legislature of Arkansas elevated him to a seat on the supreme bench of the State. His ambition seems to have been devoid of desire for political fame, but great and comprehensive in its relations to professional fame.

His history and life during his stay in Arkansas and everywhere else, so far as the author has been able to ascertain, was that of a worthy and aspiring man. He provoked, unavoidably, jealousies and criticism incident to the accomplished fact that he had crossed the pathway and obscured the fame of rivals. These things are inherent in the infirmities of man — are founded in the primal laws of his creation. In 1845 Paschal and Albert Rust, as democrats, and Thomas W. Newton and Charles Fenton Mercer Noland ran a hurdle race for congress, and Paschal was defeated by Newton, who had a plurality of twenty-three votes. Absalom Fowler was noted for his austere code of social ethics. His wife was an old friend and acquaintance of Judge Paschal's. When the judge went to Little Rock to assume judicial functions he called on Fowler and said to him: "I will shortly do myself the honor to call on Mrs. Fowler," to which he replied: "By g—d, you will not go until I invite you, will you?" Some of the "Old Bar" say that Arkansas did not present a field capable of sufficient expansion for Judge Paschal, and hence his removal to Texas in 1848. After the war he removed to Washington city, where he died a few years ago, leaving, as an inheritance to his children, a national fame.



JAMES M. CURRAN.

JAMES M. CURRAN.

The usurpation which drove the Celtic kings of Ireland from the throne, planted in their stead an imported dynasty and a despotism, which has led to the voluntary exile of many thousands of her sons, who have sought asylum in every region inhabited by man. These pilgrim sons have carried the fame and maintained the genius of Ireland wherever letters are known and valor admired. The crown prosecutions at the close of the last century, which led to the execution of Emmet and many compatriots, inspired one of the most gifted brains and eloquent tongues Ireland ever gave to the world, in the person of John Philpot Curran, whose burning, consuming eloquence, in defense of the victims of those persecutions, swept the world like a cyclone of fire and lighted up the altars of indignation which will burn in the breast of man as long as the oppressions of Ireland are remembered. Animated by feelings of the deepest aversion to the oppressors of his native Erin, Thomas Curran, a near relative to the great orator, in early youth expatriated himself, and from the deck of an emigrant ship, as she rode out of the harbor of Queenstown in 1811, headed for the United States, bade farewell to Ireland. After some years prospecting in the United States he visited Kentucky, and there joined a colony of fifteen families; came with them to the territory of Missouri in 1815, and settled in Batesville in Independence county, being preceded by six families who had settled there the year previous. In 1821 he married Jane, the daughter of James Moore, a native of Vermont, of Irish extraction, who came to Batesville in 1814. John Miller, the father of Governor Miller, married another daughter, and Judge Townshend Dickinson married the third daughter.

James M. Curran, the son of Thomas, was born at Batesville, Arkansas, December 10, 1821. When about ten years old both father and mother died, leaving the boy an orphan at that tender age without patrimony. His uncle and aunt, Judge Townshend Dickinson and wife, took the boy to their home, raised him as carefully and tenderly as they could have raised one of their own children, and gave him a good academic education, which he acquired in the schools of Batesville.

He vacated the school-room to enter the law office of Ashley & Watkins, with whom he read until his admission to the bar in November, 1841. He immediately opened an office in Little Rock, and at once commenced his ascension as a star of the first magnitude at a bar filled with able men. A miser in nothing but the economy of time, he never suffered the drafts and amenities of social life to invade the laborious studies his ambition had marked out as necessary in attaining the goal of a noble ambition. Gifted, able, noble, brilliant, no young lawyer ever marched with firmer tread and surer compass to the front rank than "Jim Curran." When the firm of Ashley & Watkins was dissolved in 1844, upon the election of Mr. Ashley to the senate of the United States, Judge Watkins associated Mr. Curran with him in the practice. This partnership continued until Judge Watkins became attorney general, in 1848; after that Mr. Curran was associated until his death with George A. Gallagher, an able lawyer whose memory is dear to the "old bar of Arkansas."

In June, 1849, he married Sophie, the daughter of Governor William S. and Matilda Fulton. His accomplished and gifted sister-in-law, Mrs. Elizabeth R. Wright, eldest daughter of Governor Fulton writes the author: "It is too bad that a life so full of interest, intense energy, courage of the most elevated character — ambition that aspired to the highest walks and rewards of his profession, dying before reaching the meridian of man's allotted span; yet, in the heritage of a well-earned fame; should, alas! live only in the memory of surviving friends and tradition. It is impossible for you, who knew him not, to write a sketch Mr. Curran's memory deserves from the meager data furnished you. No one can regret this more than his daughter, Mrs. Francis Johnson, and myself. Mr. Curran attended the circuit in south Arkansas, where I then lived. All spoke of the rapid progress he had made, of his brilliant mind and prospects. He was employed in most of the important cases in that circuit, and was generally opposed by Captain Pike. I have often heard men say, who were competent to judge, that they would as soon have 'Jim Curran' as Albert Pike, which I regarded as an immense compliment, because Albert Pike stood at the head of his profession.

Mr. Curran was thoroughly devoted to his profession, and fell a martyr to its relentless demands. There were no railroads in those days ; he rode the circuit on horseback, through all seasons and phases of weather ; rain and cold, and heat in succession, made their demands on a frail, physical constitution, unable to bear up under constant pressure. Failing health followed as the result of continued exposure ; but instead of seeking rest and repose, to be found alone in the cessation of professional labor, he continued to labor and bear up against the ravages of consumption, contracted by exposure on the circuit, until death came to his relief on the 6th of October, 1854, in the thirty-third year of his age. My relationship to him, perhaps, disqualifies me to give an impartial estimate of his character and abilities ; if so, I am consoled in the fact that none have been more modest in their estimate of both, and many have awarded a much higher meed of commendation. His love and unselfish devotion to family and friends exalted him in the estimation of all who knew him."

A great lawyer, now gathered to his fathers, who knew him well in private and professional walks, who had fought the same battle against adversity, and had climbed along the same dazzling heights, to which nothing but a finely organized and cultivated brain can lead, said of him : " In the death of Curran, Arkansas lost her brightest child. A native of the State, born poor, his future depending on his own exertions, with naught but a strong heart, an upright conscience and a gigantic mind, he engaged in the battle of life, resolved to win fame or an early grave, and won both:

" 'The sleepless boy perished in his prime.' He made a reputation for intellect, integrity and unsullied honor. He devoted his whole strength, both of body and mind, to the labors of his profession, which he worshiped with enthusiasm as great as the Persian the day-god ; he sacrificed the pleasures of youth on the altar of duty, and by day and night cultivated and expanded the resources of a great mind." His daughter married Frank Johnson, son of the late Robert W. Johnson, a member of the bar.

JUDGE WILLIAM WALKER, FORT SMITH.

For the ancestral line from which Judge Walker is descended, see the biography of his relative, Judge David Walker. George Walker, who was the uncle of Judge David Walker, and a senator in congress from Kentucky in 1814, was the grandfather of William Walker, who was born at Nicholasville, Kentucky, the 6th of February, 1816, the son of David Walker and Caroline Lewis, the daughter of General William Lewis, who commanded the Kentucky troops at the battle of the River Riasin. General Lewis moved to Arkansas, became a large planter, and died in Little Rock in territorial times. His brother, Joshua Lewis, was judge of one of the courts in New Orleans for thirty years. Judge Walker rapidly acquired an academic education at Shelbyville, Kentucky, but felt the inspiration of wild oats at an early day, and quit school at the age of sixteen, to indulge the exuberance of that excessive vitality, in contact with the practical world. His first business experience was acquired in the capacity of clerk in a mercantile house at Louisville, in which he served an apprenticeship of four years.

Tiring of commercial monotony, he called in the cash due for this service, strolled down to the inland quay, mounted the deck of a palatial Mississippi steamer bound for New Orleans, and soon became a jolly favorite in that lively Creole city. When cash became conspicuously and ominously scarce he explored the commercial resources of the trade between New Orleans and Bayou Sara in the capacity of clerk to a coast steamer, on the deck of which his staying qualities lasted one year. Social, jovial, brainy, magnetic and gifted, young Walker made friends wherever he went. But Louisiana was not large enough to hold him long, nor prolific enough to ward off that monotony which was certain to invite the young man's exile. His poetic conception next embraced the "land of flowers," and led him on the deck of a coasting schooner to dare the dangers of the Rigolet narrows and the billowy waves of the gulf. Here in Flora's kingdom, shot out into the ocean as the north continent's greeting to the Spanish main, the young tourist found more tares than flowers, and soon found practical exemplifica-

tion of the homely and trite old adage that "all is not gold that glitters." The wayward trend of his mind to speculate in wild-oat futures, here for the first time in life, found its limitation, and drew in bold colors the line between the practical and poetical conceptions of life. The contrast was strong enough to put brakes on one, and the other in motion. If the reader desires to hear and see William Walker wild and grandly eloquent, let him tip a social glass of generous sherry at thirty degrees, then give him the lofty theme of an alligator swamp in Florida, in which to locate his muse, and fabled Parnassus will grow pale and weep for the imposition the muses have imposed on the credulous all along the centuries. He left Florida impregnated with the cold, prosaic vicissitudes of life, and in December, 1835, pulled up in the little frontier village of Lewisburgh, in Conway county, Arkansas, where he found that novel and extreme character, "Old John Linton," of whose household he became a member, and a student at law with rare and apt application. Nauseated with a heroic dose of roseate fiction in his Louisiana and Florida campaigns, he rushed to the other extreme of the pendulum and became eminently wise, conservative and practical, ever after in prosaic Arkansas.

He was admitted to the bar in 1837, but acted as clerk of the circuit court at Norristown, in Pope county, two years before opening a law office. His novitiate at the bar commenced at Norristown, opposite Dardanelle Rock, where he remained until 1842, when he removed to Van Buren. He was elected judge of the circuit court, but was ousted on *quo warranto*, on the ground that the office was not vacant when the election was held. He married Mary, the daughter of the celebrated Major Wharton Rector, who figures so conspicuously in our early history. She is related to the Conways and Seviars, and all the Rectors who figure in this volume.

Judge Walker was an original secessionist, and served the south in the capacity of quarter-master during the war. He always regarded money as a burthen and never wanted it only when it could perform some kind and immediate office. When in full practice he was a lawyer of great ability, and was feared by both bench and bar because he sometimes, in fact often, indulged a vein of terrific irony and sarcasm. His prejudices

are strong and hard to remove ; he is warm in his friendships, and open and bitter in his enmities, and fearless in all he undertakes. He took advantage of the recent boom at Fort Smith, sold his adjacent farm and realized a handsome competency. Mrs. Walker being the business manager of the firm, the judge will never suffer.

HON. CHRISTOPHER C. SCOTT, CAMDEN, ARKANSAS.

Judge Scott was born April 22, 1807, at the family mansion in Scottsburry, Halifax county, Virginia, the son of John B. Scott, a revolutionary soldier, and Patsey Thompson, the beautiful and accomplished daughter of a wealthy planter. As the name indicates, the family is of Scotch descent, crossed and engrafted on the hardy Anglo-Saxon of the British colonies. Family tradition assures us that the ancestral founder of this family of Scotts left Scotland about 1740 and settled in Virginia. This emigrant, the great grandfather of Judge Scott, had three sons — Thomas, Francis and James — all of whom settled in Gloucester county, Virginia.

Thomas, the grandfather, married Katharine Tomkins, the accomplished daughter of a princely farmer, and settled in Prince George county, Virginia, where, on the 26th day of September, 1761, John B., the father of our subject, was born. John B. Scott was a high spirited, brilliant youth, of great promise. At the early age of fourteen he was thoroughly prepared and matriculated at Hamden Sidney College, and was at once recognized as the first scholar in his class. He was the pride of an influential and honored family, who designed him for the service of the State. When the young collegian, at the age of eighteen, heard the drum beating, the cannon roaring, and the fife proclaiming the mighty contest on which the colonies had entered, his Caledonian blood felt the noble courage of Bruce, and

“ The patriotic tide,
That poured through Wallace's undaunted heart.”

Blessed with the tears and benedictions of mother and father he joined the cavalry commanded by “Light-horse Harry,” and fought under him and the great Washington until the sur-



HON. CHRISTOPHER C. SCOTT.

render at Yorktown consummated the greatest historic event in modern times, and developed the grandest, the noblest character history has given to man in all the ages—Washington. Count Pulaski presented the soldier-boy with a sword, for bravery under his chivalrous eye, on the field, which is a cherished heir-loom in the family. Again, for gallantry on the field, he was promoted from the ranks to lieutenant. After the revolution there was formed a very select society of revolutionary soldiers, called “The Society of the Cincinnati,” of which General Washington was president, and General Knox secretary. Young Scott belonged to this society, and his descendants have deposited his certificate of membership, signed by Generals Washington and Knox, in the archives of the war department.

After the revolution he entered William and Mary College and graduated in that seat of learning. He studied law under the celebrated Chancellor Wythe of Virginia; was a fine speaker, a sound lawyer, and was soon elected to the legislature of Virginia, and by that body brigadier-general. In 1803 he was commissioned as a colonel in the United States army, and was stationed at Cape Girardeau, Missouri, from 1803 to 1806. President Jefferson tendered him a commission as judge of the superior court in upper Louisiana in 1806, but he declined. In 1812 he raised a company, composed exclusively of the old soldiers of the revolution, called the “Silver Grays,” and commanded them two years. In 1814 he was a candidate for congress without opposition, but died before the election. His wife followed him in 1817, thus leaving Christopher an orphan at the tender age of eleven. William Scott took charge of the person and fortune of the boy in the capacity of guardian and brother. His early education was intrusted to his brother's wife Bettie, the daughter of the Hon. Christopher Clarke of Bedford county, Virginia. She was an accomplished woman and a great favorite in Richmond and Washington society, where she spent much of her time. She spent one season at the White House with the famous “Dolly Madison.” She took great interest in her little *protege*, introduced him to three presidents and many of the first men of the nation. This noble woman moulded the character of the man, and left the

impress of her noble teachings on his life. Judge Scott revered her memory as that of a sainted mother. His education was finished at Washington College, where he graduated in his twentieth year with the highest honors of his class. His favorite sport was hunting and fishing—in this he frequently indulged as a recreation from study. At the landing of a great trout he grew wild with delight. In this he commands the author's admiration. If there is any thing royal in forest or stream, it is found in the heroic struggle of the trout to escape the stealthy wiles of his captor. I have landed thousands, and never one without a thrill of intense delight.

After graduation, he removed to Gainesville, in eastern Alabama, whither his brother John had preceded him. Here he entered the office of Van De Graff, a lawyer of local celebrity. After admission to the bar in 1828, he soon tired of the practice and became restless, and for a time abandoned his profession, to embark in mercantile pursuits. At the end of two years he had lost his patrimonial estate in exchange for costly experience, which left him a sadder, yet wiser man, and, paradoxical as it may seem to the superficial observer, the loss was a great gain. Before this, necessity had never whispered her inspiration in his ear, that inspiration so devoid of romance, so full of stern reality. Necessity is a stern, inexorable teacher; she dives down and stirs up the uttermost depths of mind and soul. But she points her index finger to the stars, and opens the way to nobler and grander possibilities than all the exchequers of the world. Hitherto he had only studied law as a polite accomplishment, now he felt the necessity of studying it as a science and winning and wearing its hard-earned laurels and rewards. With this end in view, he returned to Virginia and entered the law school at Staunton, and there pursued his studies with the greatest avidity, completing the allotted course in July, 1832. In August, 1832, he married Elizabeth Smith, the accomplished daughter of Hon. Daniel Smith, for many years judge of the court of appeals of Virginia, and, at the time of his death, judge of the special court of appeals of Virginia. After marriage, he returned to Gainesville, Alabama, and entered upon an active and prosperous professional career. In 1842 one of those clouds which sometimes shadow the best of

mankind crossed his path, which, in the fiery impetuosity of his nature, he thought necessitated the taking of human life to save his own. — Smith, a man of local prominence, for some cause not known to the author, threatened the life of Judge Scott, and the latter killed him with a double-barrel shot-gun in the streets of Gainesville. Many thousands of dollars were expended in the prosecution and defense. It became one of the *causes celebres* in Alabama.

The whole controversy depended on the question as to whether Judge Scott had waited sufficiently long for the development of the overt act, or whether there was in fact any overt act by the deceased to carry his threats into execution. The jury acquitted him. Judge Scott was tender-hearted as a woman and very sympathetic in his nature, but when aroused by some great or threatened injury he became a lion and developed the highest order of courage. He came to Arkansas and settled at Camden in May, 1844, where he continued to reside until his death. It was not long before his commanding talents indicated him as one of the foremost lawyers in the State.

In November, 1846, the legislature, in recognition of his splendid abilities, demanded his services for the State, and elected him judge of the eighth circuit. His abilities as a jurist soon became conspicuous, and marked him for promotion to the highest judicial tribunal at the first vacancy. In July, 1848, Governor Thomas S. Drew appointed him judge of the supreme court, to fill the vacancy occasioned by the resignation of Judge Oldham. When the legislature convened the following November it ratified the act of the governor, and elected him to fill the remaining two years of Judge Oldham's term. These two years bore ripe judicial fruit and established him in the hearts of the people, and in November, 1850, he was unanimously elected to the supreme bench for the full period of eight years, an honor well deserved and well conferred. At the end of this term, in 1858, he was again unanimously elected, and the State honored itself no less than the distinguished jurist by continuing him on the highest seat known to the children of men — the judgment seat.

In the early days of January, 1859, the stage-coach of those

days halted in front of his residence in Camden to take him on board as a passenger to Little Rock, whither he was going to resume his judicial duties on the bench. The wife and daughter of distinguished jurists, the affectionate mother of his little children, accompanied him. As he entered the coach he embraced and fondly kissed his little household idols a last farewell, little dreaming, little feeling, that he was entering upon his last journey this side of the dark valley; but the summons of the Master was near at hand. He contracted acute pneumonia in the cold stage, and died in the Anthony House, Little Rock, on the 19th day of January, 1859. In the language of his accomplished daughter, Mrs. A. A. Tufts: "He died surrounded by faithful friends; soothed and comforted by the loving ministrations of a devoted wife, and upheld by the 'everlasting arms' of the Savior, in whom he implicitly trusted." He was long a useful, a working, an honored brother in the noble order of Masons. He died in the sublime faith of the true, practical Christian, with but one regret — he hated to leave his wife and little ones unprovided for. His heart kindly responded to the exalted love and sorrow of the weeping wife as he bade her farewell in the last moments of dissolution, and led the way to immortality. The senate and house of representatives, then in session, passed elaborate resolutions, and attended the funeral in a body.

Judge Scott was a terse and forcible reasoner, a graceful and fluent writer. His written opinions are models of smoothness and rhythm, rarely equaled by the jurist. When uncramped and unfettered by previous adjudication and precedent in his own State, and left free to follow the dictates of his own unclouded mind, he broke like the sun through the clouds, brushed aside the antiquated jargon and accumulated rubbish of ages, and led the mind, with unanswerable argument, to correct conclusions. His opinions in the leading case on tax-titles, and the application of the old English champerty laws to the spirit and genius of our institutions, are models of judicial eloquence and reason.

HON. ELBERT H. ENGLISH.

Hon. Elbert H. English was born in Madison county, Alabama, March 6, 1816. English, Scotch, Irish and German blood unite in him. James English, his father, was born in Virginia but reared to man's estate in Kentucky, and was a soldier under General Jackson in the Indian wars and in the war of 1812-15. Young English was raised a plain farmer boy, and at intervals, when not engaged on the farm, attended the common schools of the vicinage, taught in log houses with puncheon floors and dirt chimneys. At the age of fourteen he entered an academy at Athens, Alabama, and completed the course in that institution. When the young man left school he seems to have had no well-settled purpose in life; he taught school for a short period, became dissatisfied with that occupation, and exchanged it for that of silversmith, and succeeded well in developing fine mechanical talent. He opened a shop in Athens and succeeded well at his trade for several years. No circumstance in the career of the young man in after life, when fame delighted to honor him, is mentioned with more relish and zest by the friends and comrades of his youth — yet the jurist was ashamed of the silversmith and never honored the good mechanic by introduction or recital of reminiscence connected with him — the weakness, the frailty of greatness.

In this republican country of ours, where organic laws denounce hereditary patents to nobility, most men indulge the vanity of pride at achievements so marked and great as those which lead and direct the mechanic from his shop to the chief justiceship of a great Commonwealth. The next vacillation of character developed in the young man was a desire to become a great collegiate professor, and this idea was abandoned in time to become a disciple of Esculapius. He applied himself energetically to the study of medicine for some time, but the desire and the effort were spasmodic, and he soon abandoned the idea of becoming a physician.

In 1837 the fluctuations in the mind of the youth led him into the law office of George H. Houston (afterward governor of Alabama and senator in congress), where he studiously read law for three years. He was admitted to the bar at Athens in 1839, and practiced law there until 1844, serving two terms

in the legislature of Alabama after his admission to the bar. Early in 1844 he removed to Little Rock, Arkansas, where he continued to reside until his death, excepting a short interval during the civil war. He opened his office in May, 1844, and was happy and singularly fortunate in the selection of a field which proved so fruitful. In those days most lawyers traveled on horseback all over the State twice a year attending court. Mr. English did this for ten years, and thus became extensively acquainted in every section of the State.

He had many peers, some possessed of more profound attainments than himself, but nature eminently qualified him to win the confidence and suffrages of a free people, a gift which he utilized and subordinated apparently without effort or design, and which led him to the front and maintained him there. The genial, affable mannerism of the man lent assurance to all coming in contact with him that English was his friend. A few months after he settled in Little Rock, the justices of the supreme court appointed him reporter of their decisions, a position which he held nine years, reporting eight volumes. In the fall of 1846 he was elected by the legislature to codify and annotate the statute laws of the State, which he did to the satisfaction of bench and bar. In 1848 his first candidacy for a seat on the supreme court bench was defeated by Judge David Walker. In 1854 Chief Justice Watkins resigned his seat on the supreme bench, and Judge English succeeded to the unexpired term of six years.

In 1860 he was re-elected to the office of chief justice for a term of eight years. Although not an active participant in the civil war, he deeply sympathized with and adhered to the fortunes of the south. For this the dominant political power, in the disjointed times of reconstruction in 1868, deprived the jurist of his office. After being disfranchised under the revolutionary constitution of 1868, he resumed the practice of his profession, and continued it until the fall of 1874, when he was, under the new constitution of that year, by the suffrages of a free people, again elected to the great office of chief justice for the term of eight years. At the expiration of his term of office in 1882, he was again, by the dominant democratic party, nominated and elected the fourth time chief justice of the supreme

court. During the summer vacation, this universally good citizen and pure and upright jurist died at Ashville, North Carolina, on the 1st day of September, 1884.

Judge English was eminently a conservative jurist; no temptation, no argument, however plausible and logical, no consideration of policy or expediency ever tempted or led him to ignore and abandon the well-established field of precedent. Precedent was his polar star. He was patient and laborious in searching for and tracing judicial currents, and when he found them, or satisfied himself that he had found the stronger tides, he was satisfied to so mould and conform his opinions and there cast anchor. He does not rank as a profound jurist, but he does rank high as an upright and safe judge.

HON. WILLIAM B. FLOYD, CLARKSVILLE.

Judge Floyd was born in Knoxville, Tennessee, the 9th of May, 1810, and is descended from a family prominent in our history. In 1760 two brothers, John and William Floyd, came from Wales to America, and settled in the colonies — William in New York and John in Virginia. William was one of the four delegates from New York who signed the Declaration of Independence. John became governor of Virginia and representative in congress. His distinguished son, John B. Floyd, was secretary of war under Buchanan's administration, and a brigadier in the Confederate service. Two sons of William Floyd, the signer of the Declaration of Independence, became famous, and represented their districts in congress. Judge Floyd is descended from the Virginia line. His father does not appear to have indulged any ambition for political distinction, but contented himself with the occupation of a carpenter. He learned his son habits of industry and frugality which enabled him through life to estimate a dollar at its full purchasing value. His mother was a German woman, from whom he also inherited an eye to business and thrift. In 1841 he moved to Clarksville, Arkansas, where he practiced his profession forty-three years. He was examined and admitted to the bar by Hon. Jesse Turner. In 1844 he was elected to the legislature from Johnson. In November, 1846, he was elected judge of the seventh circuit by the legislature, and served one term of

four years, declining to succeed himself. In 1852 he was again elected to the legislature. In 1856 he was elected to the State senate and served his constituents four years. In 1859 many counties in the "north-west" favored his nomination for governor, but the Hon. Henry M. Rector carried off the prize. In 1860 he was elector for the State at large on the democratic ticket without instructions as to whether he should support Douglass or Breckenridge, and gave adhesion and powerful support to the latter. His distinguished kinsman, John B. Floyd, then secretary of war, honored him with a commission as one of the examiners of West Point in 1860. Jefferson Davis had previously extended the same courtesy to him when he was secretary of war. He was a secessionist, and as such was elected to the secession convention of 1861, and offered the first ordinance to consummate the divorce from the national government. This ordinance was defeated by four votes at the February session, but the adjourned session in May adopted it unanimously, save one vote, that of Isaac Murphy, who afterward became famous as governor by Federal promotion. He twice refused the office of register of the land office at Clarksville, once from President Buchanan when the rebellion was in its incipient stages, and once from the Confederate authorities. His foresight in avoiding pecuniary complications led him to view the office as no flattering prize at that juncture. As circuit judge he gave general satisfaction, and the bar favored his re-election. He was a fine business man, a warm friend to the cause of temperance and religion.

HON. THEODORE F. SORRELLS, PINE BLUFF.

Judge Sorrells was born in Bedford county, Tennessee, December 18, 1821, and is descended from English stock in both lines. His great grandfather in the paternal line fought in the battle of King's Mountain, and his great uncle under Jackson at New Orleans. In 1836 his father moved to Marshall county, Mississippi, where the son grew to man's estate, laboring on a farm until he attained his majority. He is a self-made man; his wages as a farm-hand were hoarded until sufficient to defray the expenses of a polite and academic education, which he acquired at Memphis, Tennessee, in 1841, '42 and '43. After

two years' private study of legal text-books he was admitted to the bar in 1846, in Mississippi, and immediately immigrated to Texas with a view to practice his profession, but the war fever seized him and he enlisted in the celebrated Jack Hays' first Texas mounted regiment, in which he served during the Mexican war, participating in the battle of Monterey. In the fall of 1847 he came to Arkansas, and in January, 1848, opened an office in Princeton, Dallas county. He soon became popular, and in February, 1849, and again in 1854, was elected prosecuting attorney of his judicial circuit. In August, 1858, he was elected circuit judge for four years. In 1860 he was elector for the State at large on the Breckenridge and Lane ticket. He was a non-combatant during the war between the States, but aided and abetted the southern cause in sympathy and prayer for success. In 1866 he represented Bradley county in the legislature. When the State was freed from carpet-bag rule in 1874, he was elected judge of the tenth circuit, and in 1878 was re-elected, serving on the bench twelve years in the aggregate. A life-long Methodist and democrat, with strong prohibition tendencies grafted on these vigorous original stalks, indicate an uncompromising combination of creeds. He is what the world calls eccentric, with little danger of the verdict being reversed. An industrious and laborious life has prevented the social drafts of society from being honored to much extent. Constant employment and the stored resources of his own nature furnish all the diversion his iron organism requires. In these, as in all other things, he is quite self-sustaining. Necessity, in early life, admonished him of the sin of prodigality, and taught him the value of thrift and wisdom of economy, and these in turn made him rich and independent.

Stern and austere as the relentless hills of North Carolina, on which his ancestors grew, his resolve and determination admit of no limitation short of success. The inspiration of that soil imparts wisdom as ripe with financial sagacity as Adam Smith was when he unbosomed himself in his "Wealth of Nations." Orthodox Methodism, one of his polar stars, stimulated his conscience from an early age, and guarded his rigid system of economy from the seduction of questionable methods in the acquisition of wealth. Quaint, honest, sincere, religious,

he makes no compromise with vice. If he had the power he would convert and utilize the tremendous energies of the wine-bowl, deploy its victims and place them in the line of apostolic succession and perpetuity. His popularity does not spring from the guild, but outside and independent of it.

GENERAL CHARLES W. ADAMS, HELENA—MEMPHIS.

Henry VIII was on the throne of England when Luther raised the standard of revolt in central Europe against the dogmas of the Romish Church. This revolution soon crossed the channel and embraced the British isles, where the revolt was headed by the crown. Leo X was then on the papal throne, and was concentrating all the waning power and energies of the Vatican to crush the heresy against absolute power. Henry had well calculated the chances of success before he threw off the papal yoke. He saw that the tremendous revolutionary momentum gathered in central Europe would prove an impassable barrier against the thunders of the Vatican. He is sometimes credited by theologians and historians as foreseeing and designing to compass the ultimate results of the Reformation, but he is entitled to no such consideration; he was a moral monstrosity and was altogether too selfish to have any object in view other than his own aggrandizement in the addition of power centered in the crown as the head of the church.

The Reformation struck the shackles of despotism from the human mind, and led it untrammelled through the realms of truth free from the enslaving dogmas of arbitrary creeds. The Church of England succeeded the Romish Church as the established religion, and the monarch succeeded to the offices of the pontiff. But strange to say it did not, any more than the Romish Church under the reigns of Henry VIII, Elizabeth and James I, embrace the spirit of toleration. To the Puritan and the Pilgrim who denied allegiance to either system of religion, the change from the Romish to the English Church was but a change of masters. The Calvinistic faith of the Puritan was as hostile to the one as to the other. These dissenters from the orthodox faith were regarded by the sovereigns named as enemies to the State, and were persecuted in the name of religion; many fled from persecution and sought asylums in

Holland, Germany and the Swiss cantons. The flight of these austere Calvinists from place to place, to avoid persecution, drew to them the name of Pilgrim — a name holy and high in the American Pantheon. In the name of the religion and liberty they loved, their Pilgrim-feet pressed the deck of the little *Mayflower*, that bore them on the crest of the stormy wave to New England, where they aided in planting and establishing the grandest possibilities yet achieved by man. In this Pilgrim tide came the ancestors of General Adams, and the high, heroic spirit which in coming years furnished the music of the cannon roar at Bunker Hill and Yorktown. General Charles W. Adams was born on the 16th of August, 1817, in Boston, Massachusetts, a soil sacred to the memory of grand historic events in the history of his family. He belongs to that historic family of New England which acted so conspicuous a part in the memorable events preceding the revolution of 1776, and which gave two presidents to the United States — a lineage transcendently greater and higher than all the adventitious creations of monarchies. The history of this old colonial family is now the heritage of the nation.

In 1819, the general's parents moved to the then frontier town of New Albany, Indiana, where educational facilities were of the most primitive character, an obstacle finally overcome by patient toil, stimulated and supported by energy and resolution, which made failure impossible. From his thirteenth to his eighteenth year he served an apprenticeship in a mercantile house at New Albany. In 1835 he immigrated to the territory of Arkansas, and located at Helena, where he entered the service of a large mercantile house, and soon became cashier. The old Real Estate Bank of Arkansas was organized and commenced business early in 1837. The fine business qualifications of young Adams, and the splendid shield of integrity he had earned for a spotless name singled him out as the cashier for the Helena branch of this bank. He accepted the post of high trust and great responsibility at the early age of twenty, and discharged every duty imposed by that relation to the entire satisfaction of the bank. During all these years he assiduously studied at night and at all times when not actively engaged in the service of his employers, and became not only

a good English, but a classical scholar also. Then he took up law and mastered it in the same way, and when ripe for the bar, stepped out of the bank into his law office, receiving his license from that accomplished gentleman and jurist, Thomas J. Lacy, in 1839. His talent and integrity were widely known and well recognized before he came to the bar; hence he did not serve the ordinary probation incident to young men just entering on a professional career. In 1840-1-2-3 the unfortunate, ill-conceived and cumbrous mass of the old Real Estate Bank fell to pieces and went into liquidation, and General Adams was, because of his intimate knowledge of the affairs of the bank and his ability as a lawyer, elected attorney by the trustees for the Helena branch. Whilst occupying this relation to the bank and to the State, he became the law partner of the amiable and talented William K. Sebastian, who, in 1848, became a senator in congress. In 1852 he was elected judge of the first circuit, and he presided on the bench two years with distinguished ability, after which he resigned and resumed the practice of his profession. The celebrated *Martha Washington* cases were tried before him at Helena, in 1854 (the year the author was admitted to the bar), and attracted much attention throughout the United States. *Martha Washington* was the name of a Mississippi steamer, and it was alleged that the owners loaded her with dummy freight and burned her, within the jurisdiction of the circuit court of Phillips county, to defraud the insurance companies. Several lives were lost on board the burning steamer. Captain Cummins and four alleged confederates were indicted and extradited from Ohio and New York, charged with murder. The defendants were admitted to bail. The captain was first upon trial. The question of jurisdiction and the probative facts connected with the burning of the steamer were exhaustively argued by eminent counsel, including the late E. M. Yerger of Memphis, and General Palmer of Helena, for the defense. The rulings of Judge Adams were delivered in the enlightened spirit of the able jurist. The flashy and beautiful wife of Captain Cummins is said to have exerted a powerful influence on the flexible jury, and her husband was acquitted, 'twas said for want of that high degree of evidence in

delinquencies of that grade. But moral conviction of guilt was firmly lodged in the public mind. Two of the defendants were convicted of the indiscretion of forging in New York, and were boarding at the reformatory at Sing Sing, when their cases were called in the Phillips circuit court, and only responded by proxy. The other two fled to the Pacific coast before civilization had lighted up that region, to escape the burning indignation of an outraged people. But it was ordained in the beginning and written in the records of creation that there should be no asylum from crime on this earth. A few months since a solitary traveler from the land of the "Golden Gate" stepped into the clerk's office at Helena and called for the records of the *Martha Washington* cases to be carried under the seal of the court to California, there to rise up like "Banquo's ghost" against the fleeing criminals, who had vainly fled to escape the burning wreck behind. In politics General Adams was a whig, and no better evidence of his conservatism and great moral worth could be given, than the fact that the important offices conferred upon him in each instance came from democratic constituencies, without his ever departing or swerving a line from his creed. In 1860 he was a candidate for the electoral college on the Bell and Everett ticket, and did yeoman service in the interests of his party. He believed the south had great grievances, which ought to be recognized and adjusted within, and not without the Union, if possible. His lineage and blood came in the flood-tide of a glorious inheritance, linked and interwoven with all that is dear and sacred to the best government the world has yet known. He was an ADAMS, and his name and fame and race were all baptized in the perils and enshrined in the glories which made revolution against monarchy a success, and the name of Adams immortal. But powerful as these feelings were interwoven in his nature, they had their legitimate, their constitutional limitations, beyond which a spiritless submission, an odious servility would dwarf all that is noble and elevating in man. Patriotism, like every other principle relating to government, in profound exigencies, like those which produced the civil war, has its qualifications and limitations. The same spirit which encouraged in him a vehement love for the Union made him

revolt at the idea of subjugation. He condemned disunion and secession as a constitutional heresy, to be admitted on no principle known to the compact between the States. On the other hand, he equally condemned northern disregard of constitutional restraints and obligations, and as a *dernier* resort maintained the right of revolution, not as a latent disorganizing vitality in the constitution, but as an inherent right in all people and above all constitutions.

With these qualifications in view we will better understand the consistent action of General Adams, from the inception to the close of the late war for independence, or, as Alexander H. Stephens calls it: "The war between the States." On the 18th of February, 1861, an election was held in Arkansas for the election of members to a constitutional convention to convene on the 2d of March, to take into consideration the relations of the State to the Federal Union. General Adams was accredited to that convention and was a prominent actor in that body, which contained many able and prominent men. But before we follow up his record in this momentous era any further it is necessary to survey the political crystallization in other sections of the Union, because they are determinate factors in shaping the course of General Adams, both in the civic and heroic walks which he followed to the end. On the invitation of Virginia, the celebrated peace congress, representing twenty-one States, convened in Washington on the 4th of February, 1861, to take into consideration the condition of the Federal Union, and if possible to save it from dissolution. All eyes were turned to this convocation of notables; in it the forlorn hopes of many millions centered. Salmon P. Chase of Ohio was a member of this congress, and it was then understood that he was to be in the cabinet, and the Ajax of the coming administration. He had long been one of the most distinguished anti-slavery agitators in congress, and all he said in the peace congress was regarded as foreboding the policy of Mr. Lincoln's administration. On the 6th of February Mr. Chase took the floor to advise the peace congress. Perhaps no speech of ancient or modern times drew after it so much interest, followed by so much bitter disappointment. He declared emphatically to the southern members that the northern States never would fulfill

that provision of the constitution requiring the surrender of fugitives from service; that the election of Mr. Lincoln was a triumph of the principles cherished in the hearts of the people of the free States, and that these cherished principles would never be surrendered or modified to accommodate the slaveholding States. This speech was concurred in by a large majority of the northern delegation, and it widened and deepened the gulf between the States. They would not obey their acknowledged obligations under the constitution of the United States, nor the decision of the supreme court on the slavery question. It was also then well understood, that Mr. Seward, the apostle of the higher law doctrine, would be Mr. Lincoln's secretary of state. The triumph of a sectional faction who regarded the constitution in its relation to slavery as a "league with hell — a covenant with the devil," justified great alarm in the slaveholding States. And when this was followed up by an avowed determination on the part of the leaders to trample the Federal compact under foot, a vast number of able, thinking men at the south, who had hitherto looked with forlorn hope for a restoration of the Federal equilibrium, now gave up all hope and appealed to arms as the final arbiter. General Adams was of this number. On the 8th of March, 1861, he offered the following resolution to the convention: "*Resolved*, That the committee on ordinances be, and they are hereby instructed to prepare and report to this convention at the earliest practical moment, an ordinance providing for an immediate and unconditional secession of the State of Arkansas from the Federal Union of the United States of America." The convention at this period refused to retire the State from the Union, but submitted the question to a vote of the people, to be taken in August, and adjourned until the result could be known, unless sooner convened by the president of the convention.

In the mean time the tramp of hostile armies were hurrying and converging to the field of combat, both in the east and in the west, and every hour added confirmation to the realities of war, until every hope for a peaceful solution was regarded as visionary and Utopian.

The president of the convention reconvened it on the 6th day of May, and before the setting of the sun on that day the

convention adopted the ordinance of secession, with but one dissenting vote — that of Isaac Murphy, afterward one of the Federal war governors of Arkansas.

General Adams accepted the war with all its results, and adhered to the south with no stinted hand. He entered the service as quarter-master, with the rank of major on the staff of General Thomas H. Bradley, who was authorized by the military board of the State to organize an army. After thoroughly organizing the department over which he presided, he resigned and recruited the Twenty-third Arkansas infantry, of which he was elected colonel, Governor Hughes being elected lieutenant-colonel. As soon as his regiment was equipped for field service, he was ordered to join the army of Tennessee at Corinth, Mississippi. On the reorganization of the army he was ordered to report to General Hindman, in the trans-Mississippi department, as chief of staff, which he did. When General Hindman was assigned to a command in the army of Tennessee he accompanied him in the same relation, and was in all the engagements participated in by his division until after the battle of Missionary Ridge, where his conspicuous gallantry on the field won him a brigadier-general's commission. After this he was assigned to the northern subdivision of the trans-Mississippi department, in which he continued until the final surrender. General Adams was a slaveholder and large cotton-grower up to the commencement of the war, and lost all in the conflict save his landed property. After the conclusion of hostilities, he returned to his home at Helena, and attempted to practice law, but the petty military authorities prohibited him, unless he would subscribe to an "iron-clad" oath of allegiance, which was inconsistent with his agency in the war.

He declined to purchase the right at such a price, and retired to his farm near Helena, until the fall of 1865, when he moved to Memphis, Tennessee, where he became associated in the relation of partner with that grand and noble old Roman, General Albert Pike. This partnership continued until the removal of General Pike to Washington, in 1869. Their office and the author's were located in the same building, and the author enjoyed their friendship and confidence, and every facility to judge them correctly. But of General Pike we speak else-



HON. SAMUEL W. WILLIAMS.

where. General Adams loved his profession for its lofty and noble ends as passionately and devotedly as any man I ever knew, and he brought to its pursuit untiring energy, coupled with fine discriminating powers and great ability. Nothing afforded him so much mental enjoyment as measuring lances in the forensic arena with brothers possessed of equal ability with himself. His ethical standard was the highest known to the profession. He was modest and unassuming, but with his intimate friends he was one of the most genial and companionable of men.

He was a bold and original thinker, and never a slave to the dogmas of either religion or politics. To his brothers of the bar and bench he was always as courteous and dignified as if in the presence of refined ladies, and to his younger or weaker brothers he always extended the full measure of his abilities when desired. He was stricken with yellow fever on the 6th, and died on the 9th day of September, 1878, at his residence in Memphis.

HON. SAMUEL WRIGHT WILLIAMS, LITTLE ROCK.

Samuel Wright Williams was born in York district, South Carolina, on Broad river, August 23, 1828, and is descended from revolutionary stock, and soldiers in both the paternal and maternal lines. His maternal grandfather, George Davis, fought under General Green at the battle of Guilford Court House, where Cornwallis was compelled to abandon his southern campaign and retreat north, which opened up the possibilities, and led to the fruition at Yorktown. His paternal grandfather, Moses Williams, was a soldier in the revolution, in the army commanded by General Lincoln, and was disabled in the defense of Charleston.

These ancestors in both lines came from Wales, and are alike distinguished for integrity, strong common-sense, and great tenacity of purpose — well-defined outlines in their descendants. His father, the Reverend Aaron Williams, in the language of Lord Byron, "lifted the latch and forced the way," over all the impediments a meager exchequer is supposed to entail. He was pre-eminently a self-educated and self-made man; with proud and honest poverty he inherited high resolves and noble

desires, and by the force of strong native talent and great energy of purpose, accomplished a thorough literary and classical education, graduating in 1813 from Washington College, East Tennessee. His vocation through life was that of minister in the old-school Presbyterian faith and educator.

The family came to Arkansas in 1842, and first settled in Washington, Hempstead county, but in the spring of 1843 settled in Little Rock. Our subject had several younger brothers, and as they approached that age when Roman youth assumed the *toga virilis*, the father wisely judged the unostentatious purity of country life more favorable to the healthy development of moral growth than towns and cities, and moved to the country and opened up a farm near the site where Lonoke now stands. The old man of God led a trio of bright boys in this conspiracy against the primeval forest; and the fond mother led two beautiful daughters and installed them as queens in the pioneer's log cabin built by the boys. Here in the wilderness, when the day's toil was over, all met beneath the cottage roof, where,

“The priest-like father read the sacred page,
 Then kneeling down to Heaven's eternal King,
 The saint, the father and the husband prays;
 Hope “springs exulting on triumphant wing,”
 That thus they shall meet in future days,
 No more to sigh or shed the bitter tear,
 Together hymning their Creator's praise.
 From scenes like these old Scotia's grandeur springs,
 That makes her lov'd at home, rever'd abroad.
 Oh, Scotia! my dear, my native soil!
 For whom my warmest wish to Heaven is sent,
 Long may thy hardy sons of rustic toil
 Be blessed with health, peace and sweet content.
 And, Oh! may Heaven their simple lives prevent
 From luxury's contagion, weak and vile;
 Then, how'er crowns and coronets be rent,
 A virtuous populace may rise the while,
 And stand a wall of fire around their much-lov'd isle.”

BURNS.

When Caledonia's immortal bard tuned his lyre and sang to the world. “The Cotter's Saturday Night,” he touched and thrilled the tenderest emotions of the heart, and taught us

where to expect emancipation from vice and the temptations of luxury: where virtue attains a robust growth and becomes "its own reward."

Such were the advantages enjoyed by Brother Williams, without over-estimating their value at the time, supplemented by that vigorous and splendid mental training imparted by his father, both in and out of the school-house. He was taken into the confidence of his father and became a companion to him — the purest, the noblest, the holiest and highest relation between son and sire. In this way his mind was disciplined into a vigorous growth, and gradually spread over a great field of learning, aided by one of the best memories ever given to man, which is, next after a well-organized brain, one of the most powerful factors a man can possess. Many warm personal friends to Judge Williams, who know his early and manly struggles with poverty, take rather a superficial view of his growth and mental development, and regard him more in the light of a prodigy than as the necessary outgrowth of the influences which surrounded his boy and early manhood.

He had two brothers, E. M. and W. L. D., who were subjected to the same influences and training, and they ripened into brilliant men, but died early in life. We often regard as misfortunes what are frequently "blessings in disguise." The Williams brothers (all able lawyers), without that lesson of practical life, enforced by the rigid demands of necessity until the principle involved became an abiding conviction, might have inherited vast finances and been dwarfed into insignificance in their relations to society. Where the stimulant is wanting or withheld the production is not likely to follow. Wealth is oftener a curse than a blessing and stimulant to intellectual growth. The ardent desires of his own nature led him to embrace all the aid his father placed at his command in the acquisition of an education, and he acquired it with classical polish and finish. Early in 1849 he borrowed some books and read law with avidity at spare times when not engaged on the farm. Light wood and pine knots served the purposes of the modern chandelier and gas-jet. In 1851 he was admitted to the bar, and soon after entered the law office of Judge Totten in Brownsville, the county seat of Prairie county, as the junior of

the firm of Totten & Williams. He was associated in practice with his brother, W. L. D., from 1853 to the latter's demise in 1860. His rapid advancement attracted the attention of Judge English, and when he went on the bench in the fall of 1854 he transferred his large docket to Mr. Williams. This occasioned his removal to Little Rock, where he has continued to reside. Governor Elias N. Conway, in 1855, appointed him attorney-general to fill a vacancy, and he argued many important questions in that relation before the supreme court, which augmented the growing reputation of the young man.

In 1856 he was seduced by the know-nothing party and suffered his name run on that ticket for the legislature, and defeated the democratic candidate, an act he still finds leisure to repent. He was born and reared in the lap of democracy, and has never again kicked out of the traces. The convention of 1861, that severed the relations of the State to the Federal Union, created a military board and devolved on it vast power — the raising, equipping and control of a large army, with all the incidental and implied powers necessary to military rule. Governor Henry M. Rector was *ex-officio* a member; the convention elected two more advisory members in the persons of Judge Williams and his old law partner, Judge B. C. Totten. The board raised, equipped and put an army in the field, and then turned it over to General Hardee, the representative of the Confederate government, for that purpose. After this, the business of the board was perfunctory, and Judge Williams resigned and recruited the Seventeenth Arkansas infantry, of which he was elected lieutenant-colonel, yielding the colonelcy to George W. Lemoyne, on personal grounds. In the succeeding spring Colonel Williams was prostrated with hemorrhage of the lungs and general ill-health, in consequence of which he was compelled to resign his command in the army. In the summer of 1863, Pleasant Jordan died, and Judge Williams succeeded him as prosecuting attorney and attorney-general. After the war he resumed the practice of his profession, in which he still continues.

In 1876 he desired a little diversion from professional labor, and accepted the office of State senator, an office, ten years later, filled by his talented son, John Edwin, from the same dis-

trict — Pulaski and Perry counties. He has, a great number of times, served as special judge, both on the circuit and supreme benches of the State, and has, by talents there displayed, lodged the conviction, in the minds of a great number of competent judges, of his eminent qualifications for the bench. In 1878 he was the leading candidate for the democratic nomination for associate justice of the supreme court until the last ballot, when he was defeated by the late Hon. John R. Eakin by a majority of three. 'Tis said "everlasting things sometimes hang on slender threads," and in this instance it was verified.

When pressed by brothers at the bar, he is not noted for graceful submission; thus circumstanced, he sometimes rivals Juvenal in satire; at others he throws "Parthian arrows" in prodigal profusion, and in this way, without intending it, sometimes inflicts a wound that never heals. Some of these wounded forensic warriors, to use a western vulgarism, "got in their work" in this convention and defeated him.

No man bears less malice than he. The friction and asperities of the intellectual conflict with him pass away with the hour in which they arise, but this is not true of all men. Away beneath the volcanic exterior which he sometimes turns to an opponent, there are tons of the milk of human kindness. The author has known him long, has met him in many contests, and has sometimes been warmed up to welding heat, but no scar was ever left. In every case he tries, whether of major or minor consequence, he brings all of his energy and talent to bear, and sometimes reminds the auditor of a whale trying to ascend a spring branch. His great memory imparts a wonderful facility as a ready debater; in this respect he has few equals, no superiors. He has always been ambitious to write a legible hand, and is vain of attainments in this direction; yet for the production of illegible chirographic wonders stands unrivaled either in ancient or modern schools. In the years gone by, when the author knew him less than now, I filed a motion in all seriousness to compel him to file his pleadings in a legible hand, and to my amazement was held personally responsible for the supposed outrage on the object of his life long ambition. Horace Greeley, in his best days, would have blushed to compare his great attainments in

this line with Judge Williams. Judge Compton says: "When he writes to me I send a messenger to take down his translation." He possesses a high order of courage. When quite a young man at Brownsville, he openly accused a desperado of stealing his money, and the latter put a pistol to his head and demanded instant retraction, but was foiled and greatly surprised with a repetition of the charge coupled with the declaration, "you can kill me, but I will die in the belief you stole my money." He has been an earnest and zealous advocate of the railroad system of the State since 1850, and was long attorney and director for several lines in the State. He was an important actor in thwarting the conspiracy of Powell Clayton, Joseph Brooks, John McClure, and others, to overthrow the Baxter government in 1874. With Governor Garland, Judge English and others, he was called into consultation by Governor Baxter, after he was driven by force from the State House on the 15th of April, 1874. Great interests depended on the line of policy adopted or recommended by that conclave of notables. A single false step at that critical juncture might have visited the people with a bloody revolution and lost to them indefinitely the right of self-government. In this council Governor Garland advocated the re-capture of the State House by force of arms, but Judge Williams strongly advocated a peaceable and conservative solution of the momentous problem then pressing for solution, and he advised the governor that he could as well exercise the functions of the executive office at St. John's College or the Anthony House as at the State House, and this counsel wisely prevailed. He is an able lawyer in every department of his profession, but his attainments are not confined to these limits; his reading has been extensive, and with the aid of his powerful memory he has compassed a wide field of knowledge.

As this work goes to press his friends are urging the president to appoint him to the supreme bench of the United States; a position he would honor.

HON. FREEMAN WALKER COMPTON, LITTLE ROCK.

Judge Compton was born in Orange county, North Carolina, January 15, 1824. He was educated in the English branches in the common and academic schools of the county, and in the



FREEMAN W. COMPTON.

Latin classics by a private tutor. His father was an Englishman and British officer during the revolutionary period; his mother was of Scotch-Irish descent, that vigorous cross which has given America more brains than any other cross of the hardy European races. His legal education was founded on a basis different from that taught by most law schools of the present time, and was more thorough, not from the circumstance that it differs from the more modern plans, but because his teacher was a painstaking jurist.

The late Chief Justice Richmond M. Pearson of North Carolina for many years taught quite a select law school at Maxville, North Carolina, and none could enter therein but able-minded youth possessed of irreproachable character. Young Compton possessed the necessary qualifications, and was admitted to this school at the early age of eighteen. The freshman class at this seat of learning was required to read: first, Blackstone's Commentaries thoroughly; then Coke on Lyttleton, in connection with Blackstone. The next book placed in the freshman's hands was that thoroughly technical, abstruse and black-letter production, "Fearne on Contingent Remainders"—a work as clear, analytical, philosophic and satisfactory as the Egyptian worship of storks and onions. The next book given him was an English work on executors and administrators, and this completed the freshman's course. The second course embraced Kent's Commentaries, Chitty on Pleading, Story's Equity Jurisprudence and Equity Pleading. This completed the students' curriculum at Judge Pearson's law school.

In 1820 there was but one law school in the United States, it was taught by Tapping Reeve and James Gould at Litchfield, Connecticut, and was the pioneer law school in this country. Judge Compton left the law school in 1844, and settled at Greenville, in east Tennessee, the home of Andrew Johnson, and was there admitted to the bar by means of a pious sin of omission before he was twenty-one years of age. He practiced his profession in this old historic town of Tennessee, until 1849, when he came west and settled in Princeton, Dallas county, where he soon entered on a prosperous professional career, the reward of fine abilities and close application. His professional income, added to the dowry his wife

brought him, enabled him to become a large cotton planter long before the civil war. He left Princeton and moved to Camden in 1852. In 1857-8 he was appointed special judge of the supreme court in the *Swamp-land* cases then pending; his clear and lucid opinions in these cases attracted the attention of the bar throughout the State, and laid the foundation of his promotion and fame. In 1858 the legislature, under the old constitution of 1836, elected him associate justice of the supreme court to fill an unexpired term, and this without his being a candidate. His friends, when the legislature convened, wrote to him at Camden, urging him to come to the capital to promote his elevation to the bench, but he declined on the ground that it would be indelicate to seek or electioneer for a judicial office. In 1866 he was elected for a full term to the supreme bench by the people under the new constitution of 1861, but in 1868 he was disfranchised and ousted from office. Judge Compton's reported opinions were very carefully prepared, and they are the best monuments to his fame. He has a large, well-developed brain, but is sometimes inert, perhaps lazy, and like all big guns or ships has to be put or towed into position before ready for action, but when thus prepared he displays great ability. He is social with his brothers of the bar and has an inexhaustible fund of anecdote. One of his favorite stories is founded on the defense of a young man indicted and convicted in the Federal court before that stern judge, H. C. Caldwell, on a charge of robbing the mail. Conviction closed every avenue of escape, save that always doubtful hope for executive clemency, which was based on a very narrow margin. All the merits of the application were formulated in a very narrow compass, viz.: "The young man's moral development did not invite a critical analysis of the crime involved." Judge Compton, armed with many signatures to the application for executive clemency, posted off to Washington in great haste. He stopped at the International, and after patronizing the bath and dining-rooms with unstinted liberality, for there was great need for the one and great capacity for the other, he hied away to the office of a prominent local lawyer and posted himself as to the best way to strike the red-tape ordeal on which he was

then personally campaigning. His first effort was to learn the peculiar psychological weaknesses of each of the officials with whom he had to deal in prosecuting his almost forlorn hope and suit for pardon; and it was not long until the sagacity of the old jurist was richly rewarded and the best line of delicate approach made clear.

The pardoning bureau of the red-tape department of justice was then presided over by a jolly old ex-judge of the court of appeals from "the eastern shore of Maryland," who had a fond weakness for indulging "the inner man," and was locally celebrated for his attachment to "rock and rye." Here were two ex-judges of celebrity, both congenial when auspiciously approached, and here was a common platform on which each had stood for half a century without ever being suspected of entertaining repudiation tendencies—a sympathetic bond of union, embracing the tenderest and most profound considerations; a talisman of no uncertain import in the hands of the artful judge from the west when approaching the guileless judge from the east. Next morning, at the official hour of ten, he of the west sent in his card to the sub-mogul of the east, which, *pro forma*, led to a hasty introduction, formal interview and delivery of papers, with the assurance that they were the foundation of an expected pardon for a very worthy but singularly unfortunate young man, followed by an invitation to return at ten A. M. next day. At this juncture an irate M. C. from North Carolina entered the official sanctum and imperiously demanded why an application for pardon, fathered by him, had not been acted on and favorably disposed of.

This inconsiderate boldness of the young upstart M. C. aroused a spirit of retaliation in the old Marylander, who represented the unauthorized invasion, and then in very emphatic terms assured him that there were *three hundred* cases on the pardon docket ahead of his, and that it would not be considered until regularly reached on the docket some months hence. This announcement of an imperative rule of the office was very discouraging to Judge Compton, whose case was, to use his own felicitous language, "perfectly fresh." The old Marylander was in a rage at the undignified treatment received at the hands of the inexperienced M. C. from Tar

river, in presence of the courtly Compton from Arkansas. Now the art of the diplomat and *finesse* of the shrewd western lawyer comes strikingly into play. He bade the official good morning and left, but returned in a moment as though something of importance had escaped him, and as the official turned on his chair, facing the man of the west, the latter said: "Pardon me, judge, I have come a long way, have suffered the fatigue and discomforts of travel. All my life I have been addicted, under such circumstances, to a weakness for spiritual comfort, and now feel that it is necessary to indulge it. Can I find any rock and rye in Washington? if so, where?" An affirmative answer came, and the western man continued: "*I do not know* what your habits are, judge, and crave your indulgence for asking you to smile with me over a glass of rock and rye. In the west it would be considered an unpardonable breach of etiquette to avoid this invitation. You may be a temperate man, and the invitation may prejudice me in your good opinion; if so, I beg you to consider the customs of the country from which I hail, and that nothing could be farther from my design than intention to infringe on your sense of propriety." The old Marylander's eyes and countenance lighted up in a halo of social sun, as he blandly negatived any such violent presumption, and led the way to the abode of rock and rye, on Pennsylvania avenue, where the jurist of the east tipped and re-tipped glasses with the jurist from the west until the two were cemented in a bond of union.

As they parted for the day to be reunited on the morrow, the son of the east said to the no longer doubtful pilgrim of the west, "*would you like to take the pardon back with you?*" and a rousing "bumper" of rock and rye was again pledged to an affirmative response and assurance that Judge Caldwell's harsh treatment and judgment of the mail robber should never go into effect. It is useless to further illustrate the potency of profane spirits by saying the pardon was baptized in another bout of rock and rye before Judge Compton returned to the west. The author, one warm day in August, at the judge's chambers, heard the hero of this episode relate it, in the presence of Judge Caldwell, in shirt-sleeves, inimitable style and much animation, and I am sorry it was one of those sto-

ries which loses more than half of its charm in an effort to transfer it to paper. Judge Compton, with his three hundred pounds avoirdupois, was pacing the chamber to and fro, and when his back was turned to his auditory Judge Caldwell would let his soul out of his eyes and talk and laugh inaudibly through them until the return trip facing us was made by the hero of his own story. I know not whether Judge Caldwell or myself enjoyed it the more, nor which exerted himself the more to change front as the actor was advancing or retreating. But I do recollect and know that after the rehearsal of rock and rye by a master, it was an unpropitious time to seek encouragement to produce the then contemplated "Bench and Bar of Arkansas." Each of these distinguished jurists threw an hundred tons of cold water on the author's undertaking, and left him feeling as if drowned beneath the Arctic sea; so quick and easy is the transition from high to low temperature; so quick the arc of extremes described along the journey in every phase of life.

WILLIAM J. DYER.

William Joel, the son of Doctor James S. Dyer and Martha Hallum, was born in Smith county, Tennessee, on the 29th of September, 1829. When quite young his parents moved to Hartsville, now the county seat of Trousdale county, Tennessee. Here he received a thorough academic education, finishing it under Joseph Holt, an accomplished scholar and teacher, who married Jane Davis, the author's maternal aunt. In 1852 he graduated in the law department of Cumberland University and was admitted to the bar in Tennessee. His diploma from the university by statute admitted him to practice in all the courts of that State. On the maternal side he is related to Governor Helm and Secretary Bristow of Kentucky, and to President Polk. His father was a man of high integrity, unswerving devotion to principle, and commanding attainments, and of great social worth; a self-made man of the old school, who almost died in the saddle, a martyr to professional devotion. The young man was the relative, and in boyhood the companion of the author in those Attie days which animate youth with high hopes and ambition whilst the heart is pure and fresh. He had

splendid attainments and great capabilities, a high sense of honor, and strictly adhered to the highest teachings of professional ethics. On the paternal side he was nearly related to Judge Burford of Dallas, Texas, and with him in Dallas he commenced his professional career in 1853-4. In the fall of 1855 he located in Danville, Yell county, Arkansas, and practiced his profession there for some time. Whilst there one of those unfortunate episodes, unavoidable and always to be regretted, crossed his peaceful pathway and gave expression to a very resolute trait of character indicative of that dauntless courage developed in later life. An Arkansas bully threatened to chastise him because in the gallantry of his refined and accomplished nature he had shown the bravo's wife (an old acquaintance in Tennessee, whom he casually met at the hotel, after years of separation) only that polite attention which the circumstances demanded. The reply to this threat was characteristic: "My body was not made to be chastised by man; if you attempt it without just cause, it will be at the peril and in all probability sacrifice of your life—no mortal shall abuse the gifts of God to me." That night the desperate bully entered his bed-room after he had retired, and seized him to drag him forth into the street and lost a great part of his under jaw for his temerity. Shot, released, discharged by the committal court. *Justified* written on the record. Shortly before the commencement of the civil war a combination of circumstances carried him back to his native State, where he joined the Confederate army in a spirit of devotion and patriotism, and was elected captain of Company B, in the Twentieth regiment of Tennessee volunteers, commanded by Colonel Joel A. Battle.

The last letter the author ever received from him is here given, together with the reply thereto. They represent the closing scenes of an unalloyed and unbroken friendship, long before it was ever contemplated that his sister would one day be the author's wife.



CAPT. WILLIAM JOEL DYER.

CAMP TROUSDALE, SUMNER CO., TENN., }
 May 21, 1861. }

Lieutenant JOHN HALLUM, *Camp Pickering, near Memphis, Tenn.:*

MY DEAR COUSIN — My regiment leaves in a few days for the east, presumably northern Virginia. My heart and soul is in the contest; I am, you know, a State's right democrat, as defined by that greatest of southern statesmen — John C. Calhoun. The election of Lincoln by the aggressive anti-slavery element of the north was equivalent to a declaration of war against the south, and the institution of slavery — we have the alternative presented of tame and odious submission, or secession and war. In this hour of supreme necessity, hesitation would be treason. The south, if true to herself, will surely triumph, and may the God of battles lead her sons.

* * * * *

Your friend and relative,

WM. J. DYER.

CAMP PICKERING, NEAR MEMPHIS, }
 May 25, 1861. }

Captain WM. J. DYER, *Camp Trousdale, near Gallatin, Tenn.:*

DEAR COUSIN — Your characteristic letter of the 21st, so full of conviction, patriotism and hope, received. We both take up the sword, but from very different convictions. No one admires the great talents of Calhoun more than I do, and if we could eliminate from his teachings the fatal heresies of nullification and secession, he would indeed be a worthy idol; but no government on earth recognizing the doctrine of secession and nullification can be made stronger than a rope of sand. Disintegration and dissolution for any cause whatever, was never contemplated by the framers of the government, but, on the contrary, the greatest solicitude by the members of the convention which framed our federal system is vehemently manifest in opposition to that idea — that power.

The right of revolution is inherent in all people, but the south is not appealing to that right. I greatly fear the south will not, cannot succeed. The north outnumbers us more than two to one. The resources of the two peoples are still more

disproportionate. We are the same people, the same blood; we all belong to the dominant race of the earth — the difference is wholly climatic. That great tier of western and north-western States will, in all probability, decide the issue of this war. It is a piece of inexcusable folly — yes, a crime — to proclaim to the masses that one southern can whip on the field six northern men. That great tier of States contains the best material for the organization of an army the world ever saw. Those States were opened up by men who took their families in ox-carts, with rifle in one hand and axe in the other, and felled the forest and repelled the savage.

If I lived on that side of Mason and Dixon's line, I would call my children around me and leave it as an injunction to the remotest generation, never to lay down their arms as long as "that great inland sea," that highway of nations — the Mississippi river — was blockaded, or tribute demanded for the commerce that floats in God's name on its bosom to the sea.

Slavery will perish, or be rendered absolutely worthless, in the clash of arms. In the last presidential campaign I was an active party in the arena for Stephen A. Douglass, and proclaimed these sentiments, these convictions, on an hundred stumps before the people.

Now as to why I take up the sword for the south, entertaining these convictions so strongly — first, because assumed or pretended neutrality would be a farce, a cowardly mockery; and second, because I would rather sacrifice a thousand lives than to take up arms against my mother, the southern States. I love the Union, but I love the south and her people more, and am willing to share her fortunes, misguided though she be in precipitating this contest before exhausting constitutional remedies. My regiment is hourly expecting orders to move up the river. * * * *

Truly your cousin and friend,

JNO. HALLUM.

The war separated us, and these letters represent the last communications that ever passed between us.

Captain Dyer was in the bloody battle of Fishing creek in east Tennessee, where the earth drank the blood of the brave General Zollicoffer. He participated in all the battles of that

campaign — was called “the little captain” from his diminutive physical proportions. His sabre kissed the sun, and was re-baptized at the head of charging columns on Shiloh’s bloody field, where he was wounded and left for dead. The ground where he lay was taken and retaken at the point of the bayonet. In one of the lulls of battle “old Pat Brennan,” a brave son of Erin, hunted his “little captain’s” body and carried it in his arms off of the field to give it decent burial; but he survived to be the hero of many hard-fought battles after that. He was wounded in the same charge and under the lead of General William B. Bate, when that gallant son of Tennessee gave a leg to his country.

After the re-organization of the army Captain Dyer organized a battalion of cavalry and joined that brave, dashing cavalier, General John H. Morgan, whose deeds will live in prose and song as long as our people love their heroes. He was a commissioned captain in this service, and was always the confidant of his commander. Captain Dyer virtually won the battle of Hartsville (his home) before a gun was fired. He made the circuit of the Union army and captured every vidette and picket on Federal duty, and gave the signal of battle before the Federal commander knew the rebels were at hand. This well-directed strategy enabled an inferior to capture a superior force. He was in the saddle and in command when General Lee surrendered at Appomattox Court House. This event saddened his heart and darkened his life; when tidings of the surrender came, he turned to his friend and said: “I do not want to survive the downfall and thralldom of my country.” He crossed to the west of the Mississippi, and on the 23d of September, 1865, in Arkansas, on the banks of Little Red river, died. He was a fluent, polished, condensed reasoner, and never made any attempt at oratory or ornate phraseology. The times and circumstances in which he lived were not propitious for the development of high legal attainment, and he died too young to achieve permanent forensic fame.

“Full many a gem of purest ray serene
Old ocean’s unfathomed depths bear;
Full many a rose blooms to blush unseen,
And waste its fragrance on the desert air.”

HON. BENJAMIN T. DU VAL, FORT SMITH.

Colonel Benjamin T. Du Val was born in Boone county, Virginia (now West Virginia), 21st of January, 1827, of Huguenot descent; his father, Captain William Du Val, a native of Maryland, was a merchant and Indian trader, and in 1828 established a trading-post on the Arkansas river at Fort Smith, where he removed his family in 1829. Young Ben was educated in the primary and rudimentary branches of education at Fort Smith by private tutors, and was sent from thence at an early age to St. Joseph's College at Bardstown, Kentucky, where, at the expiration of three and one-half years, he graduated in his seventeenth year. After leaving college, he returned to Arkansas, and for a while read law under Judge Jesse Turner at Van Buren. He next studied law under that profound scholar, profound lawyer, and great and brilliant man, General Albert Pike, at Little Rock, and under his guidance was admitted to the bar in 1847, but did not then enter on the practice of his profession. He acted as deputy United States marshal until some time in 1849, when he opened a law office in Fort Smith, where he has since continuously resided.

In 1852 he was presidential elector on the democratic ticket, and as one of the three electors cast the vote of Arkansas for Franklin Pierce. In 1856 he was elected chief clerk of the lower house of the State legislature, and drew up, and by his influence secured the passage of the bill creating Sebastian county. In 1856 he took the stump against that short-lived political heresy, known as know-nothingism, and did good service at the funeral. In 1858 he was elected to the legislature as an anti-Johnson democrat, and on the resignation of Oliver H. Oats, was elected speaker of the house of representatives. In 1860, the electors of Sebastian county re-elected him to the legislature, and he was made chairman of the committee on Federal relations.

In 1861 he was appointed paymaster-general of the Arkansas State troops. In 1862 he was appointed quarter-master on General Fagan's staff and served in that capacity until the end of the war, and was in the engagements at Helena, Mark's Mill, Pilot Knob and the engagements attending Price's raid



BENJAMIN T. DU VAL.

into Missouri. After the war he opened a law office in New Orleans and practiced there one year, but became dissatisfied at the political outlook in Louisiana and came back to Fort Smith. In 1872 he was a candidate on the coalition ticket for attorney-general of the State and was elected, but was "counted out" by the radical party. In 1874 he was employed by the government to investigate frauds in Federal expenditures in the western district of Arkansas, and did his work well. He has frequently been appointed special supreme court judge, a very clear indication of his recognized legal attainments. Colonel Du Val is an active, sagacious, far-seeing politician, is always called into council by the democratic leaders, has frequently been prominently spoken of as a jurist fitted for a seat on the supreme bench, and as good senatorial material, but he cares nothing for office, is instinctively modest and retiring, and will not embark in contest for his individual promotion. He is both by blood and marriage, connected with many prominent men; his sister Catharine married Major Elias Rector, one of the most noted men of his day; his paternal aunt, Susan Du Val, married William Nesbit, member of congress from South Carolina; his paternal aunt, Julia Du Val, married Pierce W. Butler, governor of South Carolina; his cousin, Isaac H. Du Val, was a general in the Federal army and member of congress from West Virginia; his uncle, Edward W. Du Val, was Indian agent for the Cherokees a number of years; his father was a man of great energy and force of character.

HON. WILLIAM M. HARRISON, PINE BLUFF.

Judge Harrison was born in the seaside village of Church Creek, Dorchester county, Maryland, on the 1st of June, 1818. His father was a staunch old ship-carpenter and farmer, who, appreciating the advantages of a good education, sent him to the common and grammar schools of the town until he was master of a good English education at an early age. In 1836, at the age of seventeen, he entered the service of a village merchant, and in the fall of 1837 accompanied his patron to Vicksburgh, Mississippi, and remained there in his service until the spring of 1840. After this he went to the town of Columbia,

Chicot county, Arkansas, where he taught school twelve months. In 1841 he returned to Maryland and taught school until the spring of 1844, when he returned to Chicot and taught school again, and wrote in the circuit clerk's office. At an early age he selected the legal profession as an avocation wherein he would ultimately become stationary for life. He utilized all of his leisure time for five years in reading law, and was finally admitted to the bar in Columbia, Arkansas, in May, 1845. He commenced his professional career in Columbia, but when Drew county was created in 1847 moved to Monticello. In 1852 he was elected to the State senate, and actively supported the homestead and exemption law, which then first became an important feature in the domestic polity of the State. He was not a candidate for re-election, but was elected to the house at the stormy session of 1860, when hot-headed politicians were threatening war with all of its untold calamities.

At this session there was a majority of eight for the Union, Judge Harrison being one of the number. To these convictions he adhered through storm and through sunshine with the fidelity of the needle to the pole. He is descended from sires who fought at Concord and Lexington, and all along the line to Yorktown. His political opinions were always known; no secrecy ever hedged them in from public scrutiny. In 1864 he was compelled (to avoid imprisonment or banishment) to abandon home and family and seek protection within the Federal lines at Pine Bluff, where he remained until the final catastrophe at Appomattox. The circumstances impelling his flight from home savored of persecution, and were well calculated to arouse a spirit of resentment and retaliation in minds less noble than his; but, to his honor, he rose above the passions of the hour, and never failed to embrace opportunities to favor the adherents of the south where he could do so consistently with his obligations to the government. This period of his life eclipses all the good services he has rendered the State, either as legislator or jurist, and this is not said in any disparagement of these commendable services. He was eminently conservative toward the people of the south, and desired reconstruction with as little jar and friction as possible, and always opposed the odious and degrading disfranchisement of the dominant race at the south for political ends.

In May, 1865, Governor Murphy ordered an election for judge and prosecuting attorney, and the polls were opened nowhere in the circuit except Pine Bluff ; sixty odd votes were cast, all for Judge Harrison, except two. He was commissioned as circuit judge under these circumstances, and held court one day in Pine Bluff, and then forwarded his resignation to the governor, not wanting the office unless freely conferred by a majority of the electors, but the governor refused to accept the resignation. At this juncture a very large and influential number of the bar in the circuit, knowing his conservative character, persuaded him to continue in the office. In 1868 he was elected associate justice of the supreme court, under the constitution and new order of things ordained that year. In 1874 a long-suffering and oppressed people were enfranchised, and the renegade parasites who had festered and fattened on the spoils of the State were retired to everlasting privacy in Arkansas, and are now only remembered for their conspicuous infamy and the enormity of their spoliation. Judge Harrison before the war was an old-line whig, during the war a consistent Union man, and after the war, up to 1874, a conservative republican, but the odium which attached to the misrule of that party in Arkansas, never soiled his record. In a letter to the author he states his position with great perspicuity, thus: "After the war I affiliated and heartily acted with the republican party. In 1874, because of the encroachments of that party on the rights of the southern States, and its shameful corruptions, I severed my connection with it and became a democrat." At the democratic convention of 1874, he was nominated for the office of associate justice and was elected on the ticket. Altogether he served fourteen years on the supreme bench.

Conservatism has been the great prop and stay, in fact the corner-stone of his character ; it has upheld and sustained him in all the relations of life, and nowhere is it more easily traced and distinguished than in his judicial career. He was neither an ambitious judge nor a brilliant jurist, but in every opinion he ever wrote a conscientious desire to discover and proclaim the law is manifest. He was not stubborn and tenacious of his opinions like many jurists, but was always open to argu-

ment and conviction, and was ever ready to amend and correct any error or mistake. He always consulted the best light accessible, and the measure of his ambition was full when he became satisfied that he had reached correct conclusions. He was always pleasant and affable to the practitioner before his court, whether on or off the bench. In the days of reconstruction, when the military assumed to be superior to civil authority, he had the firmness to repel and rebuke the dictation and orders of military and department commanders. One fact, one act in his life ought not to be omitted, as it illustrates the integrity of the man. His environment during the war necessitated his doing many things which outwardly did not comport with the stern duty of a loyal man, in consequence of which, when elevated to the supreme bench, he would not accept and qualify until congress passed an act removing any and all supposed disabilities, although his Unionism was never questioned. He yet has the harness on, and is in partnership with his talented son.

EX-GOVERNOR WILLIAM R. MILLER.

Governor William R. Miller was born at Batesville, Independence county, Arkansas, November 23, 1823, of Scotch-Irish extraction. His strong and marked individuality of character is typical of his lineage. He worked on his father's farm until twenty years of age, at intervals attending the primitive log-cabin schools then in vogue. He has always been popular, was elected clerk of Independence county when only twenty-five years old in 1848, again in 1850, and again in 1852, serving his county in that capacity six years. In 1854 he resigned the office of clerk to accept an election by the legislature to the office of State auditor. In 1855 Governor Conway, knowing the executive ability of the young man, appointed him accountant of the Real Estate Bank. The legislature again elected and re-elected him auditor of State in 1856, 1858, 1860 and 1862, and he was again elected to that office under the Murphy government and constitution of 1864, but he was disfranchised and declared ineligible under the constitution of 1868. He commenced reading law in 1848, and at all times when official duties permitted, zealously kept it up for twenty years. In 1868,



EX-GOV. WILLIAM R. MILLER.

when he was reconstructed out of office, he was admitted to the bar in Little Rock and returned to Batesville, his old home, and there practiced his profession until 1874, when he again became the candidate of the democratic party, before the people, for the office of auditor, and was elected by a large majority. In 1876 and in 1878 he was the democratic candidate for governor, and was each time elected by large majorities.

A detail of these simple facts is more effective than the pen of the historian in conveying to the reader an idea of the estimation in which the people of the State hold their only native-born governor. His administrations succeeded that of Governor Garland, and it devolved on him to carry out the many wise measures inaugurated by the democratic party after the State and people were emancipated from the odious thralldom imposed by a set of unscrupulous political adventurers during the years of pillage and plunder, misnamed "reconstruction era." Each of his administrations was eminently successful and satisfactory to the people. His public speeches, inaugurals and messages belong to the history of the State, and their consideration is not within the scope of this work. Governor Miller is not an orator, but is a fluent, terse spoken, close reasoner, and is much better known as a politician than as a lawyer. His popularity has always rested upon his integrity and executive ability, qualities accorded him alike by friends and foes. In January, 1881, he retired to private life, but the democracy of the State, in convention assembled in June, 1886, again demanded his services, nominated and elected him to the office of auditor the eighth time. No man in the State has ever been honored oftener by his fellow citizens or held a firmer hold on the popular heart. He always manifested the courage of his convictions on public questions, without waiting for the political weather-cock to point out the tides and currents of public opinion. He is first cousin to that eminent lawyer, James M. Curran, their mothers being sisters.

OSCAR L. MILES, BENTONVILLE.

Oscar L. Miles was born in Granger county, Tennessee, October 16, 1854, but removed in early life to Virginia, where he was raised and educated. He led the van of all his classes

from the village school to the graduating classes at Emory and Henry College, where he was graduated in the classics, with distinguished honors and great promise, in June, 1876. At this eminent seat of learning the ambitious young man entered the contest for the "Best Debater's Medal," and the "Robinson Prize Medal" for oratory, and was awarded each medal over many of the most brilliant youths of the south. In September, 1876, he settled in Logan county, Arkansas, and taught school the greater part of the two succeeding years. Whilst engaged thus, he utilized, and to the utmost economized, all of his time and resources in laying the foundation for admission and advancement in the legal profession, and was admitted in October, 1878. The same studious, methodical application and progressive development which characterized his boyhood and youth are now the handmaids of his professional career, and are making and fitting him for useful and distinguished position. His mind and his habits have been well trained for analytical research, and he is a good reasoner. He commands the universal respect of his brothers at the bar. The undeveloped and unknown future must finish the biography of this worthy and promising young man.

EDGAR E. BRYANT, FORT SMITH.

Edgar E., son of Doctor A. A. Bryant, was born in Paris, Lafayette county, Mississippi, on the 9th of December, 1861, and is of Scotch-Irish extraction. His fifth ancestor of the paternal line emigrated from Scotland before the revolutionary war, and settled in Westmoreland county, Virginia, and two generations before that his maternal ancestors emigrated from Ireland and settled in the same county. William Cullen Bryant, the poet, is descended from the same ancestry. His ancestors in both lines furnished soldiers for the colonial armies who fought under Washington in the war of Independence. When the boy was five years old the family moved to Coffeetown, Mississippi, where he attended the common schools of the town until he was fifteen years old. In 1877 he entered the sophomore class in the University of Mississippi, and graduated in 1880. In the fall of 1880 he matriculated in the law department of Vanderbilt University at Nashville, Tennessee,



OSCAR L. MILES.

for a two-years course, but by energetic application and force of native talent of high order, graduated at the head of his class and achieved the first honors in one year. In the fall of 1881 he entered the post-graduate class of Columbian Law University at Washington city, D. C., and graduated in one year. In the winter of 1882 he moved to Columbus, Mississippi, and practiced law there for several months, but was not satisfied, and in August, 1883, moved to Fort Smith, where he still resides. Mr. Bryant, physically, is quite small, and is the pet of the profession—has black hair, rounded features, and a piercing black eye. Perhaps no man of his age possesses finer command of language, and with that he also possesses logical and analytical processes of high order—a combination rarely found. In him the orator is wedded to the demonstrating logician—great and powerful factors in the forensic forum or the senate. The young man's future lies invitingly before him; fame and distinction await him. If he lives thirty years his biographer will verify these predictions.

THOMAS B. LATHAM, FORT SMITH.

Thomas B. Latham was born December 22, 1862, at Fort Smith, Arkansas, and is of English descent. His father was born in Virginia of an old colonial family who settled there long anterior to the revolution. His mother is a lineal descendant from the great orator and patriot, Patrick Henry. Mr. Latham's father settled at Fort Smith in 1849 and was a prominent citizen and useful, public-spirited man all his life. The young man obtained a good English education in the local schools of the city. After quitting school at eighteen years of age, he was appointed chief deputy clerk in the United States court for the western district of Arkansas, and acted in that capacity for three years, and then as now enjoyed the confidence and esteem of Judge Parker of that court, and all others with whom he comes either in business or social contact. He borrowed books and read law carefully and assiduously about three years, and was admitted to the bar on his own motion in September, 1885. He has the courage of his convictions on all questions, and indulges a sovereign contempt for the policy-serving trimmer who never has or expresses an opinion until he first ascer-

tains the views of the majority. An element of success is strongly indicated in the pertinacity with which he pursues an object once deliberately formed. Not long since a city bully presented an outrageous account against him for \$30, pretendedly advanced to a laborer to whom Mr. Latham had given an order for \$1.50. "I will pay the amount of my order and no more," he said, to which the blustering bully replied: "If you don't pay the \$30 I will whip it out of you." "If you do I will give you \$500. Where can I find you in ten minutes? Get ready. No bully can scare or run over me. I will be in front of your business house in ten minutes." All bullies are cowards and when they become alarmed fear unmanly and makes cravens of them. Tommy (his pet name) went with his spurs on and paced up and down the pavement in front of the craven's house for an hour, waiting for him to come out, but he was locked up in the counting-room trembling with fear and did not put in an appearance, preferring to let that engagement go by default. It requires a much higher order of courage to retract and apologize to one whom we have injured, than to fight or appeal to physical courage; the degree is measured by the distance between moral and physical agencies. Mr. Latham possesses the higher order of courage in a marked degree and gave practical illustration of it not long since in court in a contest between himself and the author.

HON. SAMUEL W. PEEL, BENTONVILLE.

In 1814 a colony of emigrants consisting of four families settled at Batesville, in the territory of Missouri, now the county seat of Independence county, Arkansas. This colony was supplemented in 1815 by the addition of fifteen families from Kentucky. These early pioneer families have furnished Arkansas with prominent historic characters, and a record ought to be preserved. In the colony of 1814 came Simon Miller, the father of John, who is the father of ex-Governor William R. Miller; came also John Moore, an educated, influential Irishman, with wife and three daughters, all educated and refined; and came also the Magnesses and the Beans. In the colony of 1815 (all from Kentucky) came Richard Peel, John Peel, Thomas Peel and James Peel, all sons of Thomas

Peel, an emigrant from Ireland to Virginia, and from thence to Kentucky with Daniel Boone. Richard Peel was the father of John W. Peel, the father of Samuel W., the subject of this sketch. In this colony also came Thomas Curran, an educated emigrant from Ireland, and a near relation to John Philpot Curran, the great Irish orator. Old Ben Hardin, the hero of many Indian wars, and his brother Joab, with their families, and William Griffin, Thomas Wyatt and William Martin, who married old Ben's daughters, and Samuel Elvin, James Akin, John Reed, James Miller and John B. Craig, all good citizens; came in this colony, and made Batesville the Athens of the territory. There are always on the border and outskirts of civilization a bad class of men; this class infested, and became the bane of Batesville for a while, but were soon driven off and banished by the colonists after their arrival in 1815. John Miller married the daughter of John Moore, who is the mother of our ex-governor.

Samuel W., the son of John W. Peel, was born on his father's farm near Batesville, Independence county, the 13th of September, 1831, and was educated in the English branches at Batesville. He was an ardent supporter of the Confederacy, was a colonel in her armies, and participated in the battles of Wilson's creek, Prairie Grove and many other engagements. After the war he read law in the office of Judge J. M. Pittman, his brother-in-law, and was admitted to the bar in 1866. In 1873 he was elected prosecuting attorney for the fourth circuit. In 1882 he was elected to the forty-eighth congress, and has since twice succeeded himself. He is a good lawyer, fine debater, and popular with his constituents. His wife is sister to Senator Berry.

SOLOMON F. CLARK, LITTLE ROCK.

Solomon F. Clark was born in Groton, New York, on the 13th of February, 1819. In the paternal line he is descended from the ancient pilgrims of New England, a line that furnished many soldiers to the Indian and revolutionary wars. His grandfather, Jesse Clark, was one of three brothers, who all shared in the glories of Bunker Hill. In the maternal line he is descended from Irish Protestants, who left Ireland to

avoid the intolerant persecutions of the bigoted James II, of England. Solomon Foote, a senator in congress from Vermont, Henry S. Foote, a senator in congress from Mississippi, and Commodore Foote of the United States navy, are kindred descendants in the mother's line. The cross between the hardy, resolute pilgrim, and the no-less-determined Celt, imparts a high degree of self-confidence, adequate to the task of any undertaking, however difficult, and often to great achievement. From this combination of national streams, spring bold, original thinkers in science, politics and religion, impatient of theological dogma and arbitrary creeds, and rebellious against the assertion of political power not clearly recognized in organic sanctions. Starting with this knowledge of the roots and prominent peculiarities of the two nationalities represented in Brother Clark, and the influences which attended his growth to manhood, we can easily comprehend the product. His father was passionately fond of that rational and intellectual enjoyment found in the pursuit and possession of knowledge, and indulged the passion until it dwarfed his capacity to accumulate money. This threw his son on his own resources at an early age in life, and imparted to him one of the most important of all lessons — a knowledge of the practical affairs and relations of life.

The superficial observer regards this rugged discipline as a misfortune, but it has made a thousand men to where it has dwarfed one, and has given to the world four-fifths of the men who move and control its affairs. The history of the world, with the record of its self-made men blotted out, would be a reflection of the dark ages. At the early age of twelve the young man became a canal boy, and followed the avocation on the various lines in western New York and Pennsylvania until nineteen years of age, passing through all the stages of promotion in that service, because of his worth and devotion to business. During the winter months, when the canals were frozen up in that rigorous climate, he attended school, improving each passing hour with commendable economy and application. He passed from the common schools of Syracuse, to the high-school academy at Groton, teaching school at intervals to obtain the means to prosecute his studies. In 1843 he was promoted to the high and honorable professorship of mathematics in Cort-

land Academy, New York. His foundations were thus slowly, surely and solidly laid for life.

He now commenced laying the foundations of his legal attainments with the same patient and resolute tenacity displayed in the acquisition of an education. At the end of one year he resigned the professorship of mathematics and moved to Laporte, Indiana, where he taught school and read law three years, at the end of which time he was admitted to the bar and came immediately to Arkansas, locating at Fort Smith, where he remained from 1847 to 1861. He was neutral in the war between the States, but his convictions were with the Union element. He moved to Ottumwa, Iowa, at the commencement of the war and remained there until the occupation of Little Rock, in 1864, by the Federal forces, after which he moved to Little Rock, since his permanent home.

The foundations of our railroad system were laid in 1853, when the legislature chartered the Cairo and Fulton railroad, with the Memphis and Little Rock road and the Little Rock and Fort Smith road as branches. The legislature appointed him commissioner to open books and receive subscriptions to the stock of this system, which he accepted, and became a very earnest and important promoter of railroads in Arkansas. He was long attorney for the Little Rock and Fort Smith road, and once its president. He has always avoided politics, being too straight-forward and blunt to ever acquire any of the arts of the politician. He commenced life a believer in the doctrines of the old whig party, but the patchwork involved in the compromise measures of 1850 drove him into the democratic ranks. From 1874 to 1878 he was chairman of the democratic central committee. A bold and original thinker, he disdains confinement to the narrow stereotyped limits embraced in orthodox creeds, takes a bolder sweep and wider range, and views God as the grand aggregation of the mighty and infinite system of worlds and laws we call the universe. The widest liberty of thought, investigation and opinion is the text from which his life has been acted. A good lawyer, a good citizen, in all he does he believes he is right, and adheres to his convictions with great tenacity.

HON. THOMAS FLETCHER, LITTLE ROCK.

Honest Tom Fletcher is a name known to every household in Arkansas for more than a quarter of a century past. This pet name is the reward of his honest, straight-forward conduct in all the relations of life. Henry L. Fletcher, his father, a native of Tennessee, immigrated to "The French Purchase" in 1815, and located in the political designation now known as Randolph county, Arkansas, where his son Thomas was born on the 8th of April, 1819. In 1825 the family moved to Pulaski county, where the son grew to manhood on a farm, industriously discharging the varied duties pertaining to active and thrifty agricultural pursuits. Educational facilities were meager then compared to what they are now, and did not extend beyond the log-cabin facilities in the vicinage. But these rudimental advantages were expanded by the young man's unaided exertions until he mastered a good business and practical English education. He married in 1841 and settled down to a quiet, independent farmer's life until 1858, when the old whig party made him sheriff of Pulaski county over the vigorous protest of the democrats, and, two years later, the performance was repeated. In the faithful administration of this office, he earned the soubriquet of "Honest Tom." Whatever he said was regarded as absolute verity.

At the expiration of his four years' service in this office, the whigs put him on the track and elected him to the legislature, and democracy could well afford to forgive them if this last had been their least offense. When the Federals captured Little Rock he had some suspicious misgivings as to the propriety of voluntarily submitting to their jurisdiction, and he took what sheriffs commonly call when a man escapes "leg bail." He had not committed the overt act of treason by taking up arms against the government, but he had winked at it and had imparted good solid chunks of comfort to Jeff. Davis, and felt conscientious scruples about the matter, if required to submit to nice distinctions. How far the Federals might differ with him in the construction of these acts he did not know, nor did he think the public pulse sufficiently cool to justify him in waiting to see. He, therefore, accommodated himself to the convenient



HON. THOMAS FLETCHER.

space which lay invitingly beyond the lines and indulged his rising pedal aspirations to "git" and went south, as most men mildly put it, and remained under cover of, *non est inventus* until the war ended. He returned in 1865 and found his name pigeon-holed in the list of non-combatants, and, in 1866, was elected sheriff of Pulaski county under the Murphy government, and held the office until July, 1868, "when he and all other *democrats* were reconstructed out of office." After eviction from office he commenced the practice of law, and continued it for twelve years in connection with his large planting interests. In 1876, and again in 1878, he was a formidable competitor for the democratic nomination for governor, and made a splendid run. In October, 1885, President Cleveland appointed him marshal for the eastern district of Arkansas, without solicitation; a position he now fills. He is deservedly honored and esteemed by his fellow citizens, and, if he has any enemies, they have never materialized.

HON. JOSEPH WARREN HOUSE, LITTLE ROCK.

Joseph W. House belongs to that numerous colony of Tennesseans who have immigrated to and shed so much honor on their adopted State. "Jo." is his familiar, his pet name, by which all his friends and acquaintances call him. In this democratic country of ours, where the fictitious and artificial creation of an order of nobility was buried under the mighty wave of the revolution, which made Washington the noblest and greatest idol of mankind, and severed our connection with the British Empire, the people delight in calling their favorites by pet names. He belongs to another, a very active and numerous class of men, who have dominated and controlled the world since man began to make history — "Self-educated, self-made." Jo. House was born in Hardeman county, Tennessee, June 12, 1847, and came with his father to White county, Arkansas, in 1858. The late civil war was ushered in and closed all the schools before his education was more than commenced. In 1865 he made a crop of cotton which netted him \$250; this he utilized to the best possible advantage in educating himself. After this fund was exhausted, he taught a common school three sessions, and replenished his educational resources,

which he again exhausted in accomplishing a good English education.

The stern integrity, firm resolve and energy of character displayed in these heroic struggles to overcome great difficulties drew to him the confidence and good-will of all acquaintances, and paved the way for an honorable career. He read law without the aid of either private or university tutors, and was admitted to the bar at Searcy in May, 1871, and immediately there commenced the practice of his profession. In the same year the electors of White county signalized their confidence in the struggling young man by electing him to represent them in the eighteenth legislature. The same constituency elected him as their delegate to the great reform constitutional convention of 1874, which conspicuously signalized its patriotic labors by removing the rank evils which blot and stain our history during the reconstruction period. In 1874 he was elected to the State senate to represent the twenty-seventh district, composed of White and Faulkner counties. In 1878 he was a formidable competitor for the democratic nomination for congress and came within two votes of being nominated after a three days' contest in the convention, against his rival, Hon. Poindexter Dunn. President Cleveland appointed him United States district attorney for the eastern district of Arkansas, without his solicitation or any intimation that such honors awaited him until receipt of his commission. In this instance the Jeffersonian doctrine obtained, the office sought the man, and was most worthily conferred. He has fine command of language, is a logical, terse reasoner, but never reaches out for the ornate in oratory, though at times there are strikingly eloquent passages in his addresses whether before the legal or popular forum. There is a pleasant mannerism about the man which differs from that of all others, and distinguishes a vigorous individuality, which leaves its impress on all who come in contact with him not likely to be forgotten.

HON. MASON WOOD BENJAMIN, LITTLE ROCK.

Mr. Benjamin was born at Coldbrook, New York, May 3, 1837, of Pilgrim stock in both lines, being lineally descended from John Benjamin, an officer under Governor Winthrop,



M. W. BENJAMIN.

first governor of the colony of Massachusetts Bay, and in the mother's line from the Lymans, who came from England with Governor Winthrop. He was educated at Cortland Academy, New York, and taught school during the winter months to defray the expenses attending his education. When twenty years old he went to Illinois, and engaged in teaching until he could prepare to enter the legal profession. He read law under Browning & Bushnell at Quincy, Illinois, and was admitted to the guild in 1860. At the commencement of hostilities between the north and south, he went to Kansas, and joined the Fifth Kansas cavalry, and served until the end of the war, being a lieutenant and acting assistant adjutant-general. At the conclusion of peace he settled in Little Rock, and commenced the practice of his profession, in which he is still engaged. He was a member of the legislature in 1868, and was solicitor general in 1868-9. He bravely led the forlorn hope of the republican party in two contests — first in a race for congress, and next for chief justice — and failed in each instance to overcome the large democratic majority. As a politician, he is conservative; as a lawyer, able. Thomas Marcum, the able criminal lawyer of Fort Smith, and Mr. Benjamin married sisters, the Misses Riddle of Kentucky.

HON. GEORGE PARKER SMOOT, PRESCOTT.

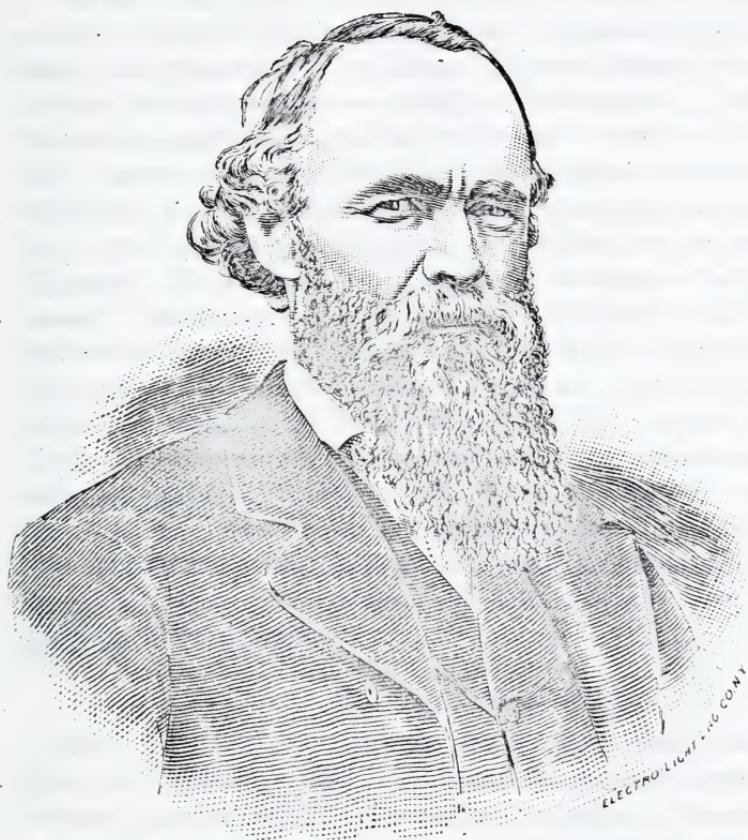
Hon. George P. Smoot's father and grandfather (the latter a very eminent surgeon) moved from Fredericksburgh, Maryland, to middle Tennessee in 1815. The history of the family in America dates back to an early period in the seventeenth century. The original founder came over under the patronage of Sir George Calvert, the first Lord Baltimore, and settled in Maryland — the great principle of religious toleration being the corner-stone on which the colony was founded by the very distinguished statesman and philanthropist who founded it. On the mother's side he is descended from an ancient Virginia family, numbering in its fold President Tyler. Both lines were represented in the war of independence, and resisted the encroachments of the crown. Brigadier-General Tyler, of the Confederate army, was a near relative. No nobler specimen of manhood ever lived, no truer friend, no braver soldier ever

died. He was the intimate, the cherished friend of the author. He lived a hero's life in an iron age, and fought beneath a Confederate plume in an hundred battles, to die sword in hand in response to the last battle call.

“The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour,
The paths of glory lead but to the grave.”

Colonel George Gantt, that great and most eloquent of advocates, now of Memphis, Tennessee, is another cousin. But heraldry and fame may exist independent of greatness, and they may all co-exist. Major Smoot was born in Hickman county, Tennessee, on his father's farm, the 28th of December, 1828.

When a boy he was of sedate, studious and reflecting cast of mind, and rapidly acquired an academic education, and became thoroughly versed in the English branches. After this he attended a select school taught by Professor Arnold, under whom he acquired a thorough knowledge of the Latin classics. He read a thorough course of law at Columbia, Tennessee, under Judge Edmond Dilahunty, a jurist of great local celebrity. From this office he was graduated in the law and was there admitted to the bar in 1848. He practiced law at Columbia, Tennessee, two years, and in 1850 moved to Magnolia in Columbia county, Arkansas, where he continued in the practice of his profession until 1877, save the years he gave as a soldier to the Confederacy. Since 1877 he has continuously resided in Prescott, Nevada county. In 1861 he represented Columbia county in the constitutional convention, and took an active and very prominent part in the debates of that stormy period. He tendered his services to the Confederate government through the secretary of war, and was by that official assigned to duty in the field on the staff of Major-General John L. McCowen, in which position he served until the end of 1863. From staff duty he was transferred to the provost marshal's department in the field, and attached to the army of the Tennessee, in which position he served until the end. He was in the battles of Belmont, Farmington, Perryville, Corinth, and at the siege of



HON. C. B. NEAL.

Island 10. He resumed the practice of his profession after the war, and has been engaged in it since that time. He was a member of the constitutional convention of 1874, from Columbia county. His ripe talent as lawyer and jurist, and the ready facility with which he entered into debate soon distinguished him in that body.

He has often served as special circuit judge and has served as special judge of the supreme court. He stands in the front rank of his profession in this State. In some things he is peculiar and perhaps eccentric — notably so in dress, caring nothing for it as an appendage save the bodily comfort derived from it. He possesses a vast fund of general information and rare conversational powers, which renders him a charming companion. In the field of modern theology — if that term may be used to distinguish it as one of the progressive sciences — he is well versed. Between the abstruse questions involved in the moral philosophy taught by Christ, and the dark flood of agnosticism, he steers with wonderful facility and power. He follows, embraces the doctrines of Christianity, in its lofty aspirations, as developed and adapted to the necessities of man and compatible with his reasoning faculties. But when theologians mystify the doctrines of the Master, and deny emancipation to the God-like attributes of the mind, he refuses to go blindfolded into the gulf. And who, possessed of less authority than God, shall say he is wrong?

HON. C. B. NEAL, GREENWOOD.

Hon. C. B. Neal was born on a farm the 10th of January, 1829, in Anderson county, east Tennessee, and followed agricultural pursuits until he attained his majority. He acquired a common-school education at intervals when not engaged on the farm. After attaining his majority he spent two years at college, and mastered a good education in the English branches. At the end of his collegiate course, financial embarrassment led him to temporarily embrace the occupation of school-teaching for a small monthly salary — an occupation followed by a great number of men early in life as a stepping-stone, and by many who afterward became greatly distinguished. From the school-room he went to the accountant's desk in the office of

clerk and master in chancery — one of the best preparatory schools to entering the legal profession. Here he assiduously cultivated that system and method his responsible position imposed, and became deeply impressed with the conviction that method is the first law of business as well as of nature.

East Tennessee at that time contained many lawyers of great ability, and the arguments of some of these distinguished men over exceptions to his reports as master in chancery first imparted an impulse and then a settled conviction to embrace law as a profession. Such resolve, coupled with a well-organized and disciplined mind, will make a good lawyer. Where these great primal elements unite in the same man, no ordinary impediment will cut him off from success. In 1856 he was admitted to the bar in east Tennessee. In 1860 he located at Greenwood, in Sebastian county, where he has remained ever since in the practice of his profession, save the interval when the courts were closed during the war of the Rebellion. In 1862 he was elected to the legislature from Sebastian county, and again in 1864. Although not an active combatant in the field, he was intensely southern in his views, and aided and abetted his native south, and abided her fortunes, and when she went under in the tremendous conflict, he did not, like Longstreet and Mosby and men of that stripe, turn on his countrymen by joining the dominant party, that thrift might follow disgraceful fawning. Of all the contemptible objects the war produced it was the Confederate parasite who joined the conquering northmen to raid and pillage the scanty resources of his distressed and fallen countrymen. Some of these monstrosities, after winning a glorious name in the Confederate service, have sold and peddled it for pottage. The man who turns traitor is, nevertheless, an Arnold, whether it be in field or cabinet.

Mr. Neal owned valuable slave and other property, all of which perished with the Confederacy. Lee's surrender found him on Red river, Louisiana, without a dollar to defray his expenses back to Greenwood. To overcome this financial embarrassment he opened an office where the disaster overtook him, and practiced law there until the next year, and then returned to Greenwood. In 1871 he was elected to the legisla-



HON. JOHN B. McDONOUGH.

ture from Sebastian the third time. Less than one-third of that body were democrats. This minority, under the lead of Mr. Neal, soon broke the radical majority in the lower house, and obtained control of it, and passed articles of impeachment against Powell Clayton, governor, and John McClure, chief justice. McClure was tried and acquitted by the republican senate. Mr. Neal conducted the impeachment trial before the radical senate in behalf of the house of representatives, and, although a partisan tribunal acquitted the defendant, the moral effect of the trial before the bar of public opinion was great. He has the courage of his convictions, and is fearless in maintaining what he conceives to be right, and in denouncing that which is wrong. He is a fine judge of human nature, and always displays this ability in the selection of juries, before whom he is powerful. He is a good lawyer, and acts in the management of a case on the principle that lawsuits are won in their preparation before the trial court commences.

HON. J. B. McDONOUGH, FORT SMITH.

J. B. McDonough was born November 24, 1858, in Caddo parish, Louisiana, of Scotch-Irish lineage on the father's side, and English on the mother's. In 1866 the family moved to Sebastian county, Arkansas. The early education of the boy was derived from his mother and father, who took great interest in him, and learned him to read and write, and spell well before sending him to the common schools. In 1878 he entered the State University at Fayetteville, Arkansas, and remained there four years, graduating in 1882 with the first honors of his class; the faculty conferred on him the degree of bachelor of arts in 1884. In 1881 the faculty offered a gold medal prize for the best original oration, and threw open the doors of competition to both the junior and senior classes, Mr. McDonough being of the junior class, and to him the prize was awarded. He maintained himself and paid his own way at college by teaching during vacation intervals. After leaving the university he taught school two years at Buckner College, Sebastian county, and utilized all of his leisure time by reading law and reciting to himself. In November, 1884, he was licensed by the State courts to practice law, and in Feb-

ruary, 1885, opened an office in Fort Smith. In 1886 the democratic party nominated Mr. McDonough, and elected him as one of the representatives from Sebastian county in the State legislature. The author, as one of his warmest and best friends, warned him against the often fatal delusion found in political life and aspirations; and he fears his young friend has made a mistake, but he promises to return to his office and abandon politics hereafter. He has a fine legal mind, and goes to the root of all questions he investigates; is patient and untiring in research; is a fine reasoner; is logical and methodical in argument, without any effort or pretense to the ornate diction of the orator; is better adapted to the latitude of the chancellor and jurist than the popular forum of the jury. As a legislator he was a success, and made a good reputation.

THOMAS P. WINCHESTER, FORT SMITH.

Thomas P. Winchester was born in Sumner county, Tennessee, September 13, 1850, at Cragfont, the palatial seat of his grandfather, General Winchester, of historic fame, who was the friend and bosom companion of General Jackson. Hon. George W. Winchester, his father, was a lawyer, polished orator and gentleman, universally esteemed. The civil war closed all the schools in middle Tennessee, and interrupted the young man's education during the period it lasted, and to this another great embarrassment was superadded — financial distress and wrecked fortunes was the universal inheritance of the southern people in the memorable decade succeeding the civil war. This threw the young man entirely on his own resources for an education, and he went to work resolutely to overcome the obstacles in his way, and in doing so displayed a moral heroism worthy of success. On the borders of his grandfather's estate was located Rural Academy, an institution loved and famous in its day for imparting ripe scholarship. (The author was educated at Wirt College, only four miles distant from this famous academy, and was a frequent visitor at that seat of learning for several years.) To this institution young Winchester resorted after the war, and taught the junior classes, to pay his way through the senior department, and thus acquired a good education in the English branches. His father, shortly after the war terminated, moved

to Memphis, Tennessee, and thither the son resorted, and read law one year under his father, preparatory to entry at a law school. In 1871, '72 he attended the law department of the University of Virginia, and in the fall of 1872 was, at Memphis, admitted to the bar, where he practiced his profession continuously until June, 1880, when he moved to Fort Smith. He is a pronounced and fearless leader in the temperance cause, and fearlessly proclaims his sentiments on all subjects of public interest; is equally zealous and efficient in Sabbath-school and church polity, being an active steward in the Methodist church. He is a good lawyer, safe adviser, warm and open-hearted friend, and fearless enemy.

COLONEL ELIAS CORNELIUS BOUDINOT, FORT SMITH.

The history of the Cherokee Indians dates back to the first settlement on the James river in 1607. At that time they had extensive settlements on the Appomattox river in Virginia, and they joined the Powhattan confederation to extinguish the colonists on the James. Kille-kee-nah, the father of Colonel Boudinot, was descended from a long line of tribal chiefs. His Indian name translated into English means, buck or male deer. Kille-kee-nah was born in Georgia about 1795, and when about fifteen years old was — with the two brothers, the celebrated John Ridge and Stand Waitie, his nephews — sent to school in Cornwall, Connecticut, where all acquired a good education. They afterward became distinguished leaders. Whilst at school, Elias Boudinot, a gentleman of local repute in New Jersey, visited Cornwall, and was attracted by the sprightly and vivacious Kille-kee-nah, and the intimacy which followed, resulted in the Indian taking the name of his friend and admirer, and henceforth he was called Elias Boudinot. After these Indian boys left Cornwall, they returned to the Cherokee nation in Georgia, and assumed their tribal relations. At that time the United States were treating with all the Indian tribes east of the Mississippi river for their removal west. The celebrated John Ross was then principal chief of the Cherokees and resisted the policy of removal. Boudinot, Stand Waitie and Major and John Ridge, in a spirit of true diplomacy and statesmanship, advocated the exchange of their possessions in Geor-

gia for lands in the Indian territory ; and influenced the consummation of a treaty to that end in 1835.

This resulted in dividing the Cherokees into two factions, and led to the bitterest feuds known to Indian annals. The adherents of Ross settled the north, and the followers of Boudinot and Stand Waitie the south of the Cherokee nation in the Indian territory. This geographical division of the tribe gave them the names of northern and southern Cherokees. John Ross was only about one-eighth Indian blood, and his personal appearance gave no indication of that adulteration or amalgamation. No man ever excelled him in knowledge of Indian character, and he subordinated it without let or stint to crush all opposition and promote his personal ends, and took care of his conscience at a more convenient season. In June, 1839, the Ross party brutally assassinated Elias Boudinot, his brother Major Ridge and nephew John Ridge, leaving by mis-carriage Stand Waitie the sole great survivor and leader of the opposition.

These preparatory statements are necessary to an accurate comprehension of the historic ground intimately associated with the life of Elias C. Boudinot, who, without question, belongs to the highest type of Indian character yet developed on this continent. He was born the 1st day of August, 1835, near Rome, Georgia, the year his father and kindred triumphed over Ross in consummating the treaty of 1835. Immediately after the assassination of his father, Stand Waitie sent all the children to New England. Elias C. was left at Manchester, Vermont, where he mastered a good education. At first he chose civil engineering as a profession, and at the age of seventeen spent one year as civil engineer to railroad enterprises in Ohio, but because of physical injuries in the ankle, existing from early infancy, he abandoned that profession for the law, and entered the law office of Hon. A. M. Wilson at Fayetteville, and there, in 1856, was admitted to the bar. He practiced in the State and Federal courts — much in the latter courts.

One of the first cases he appeared in was as junior to the celebrated Alfred W. Arrington and Wilbur D. Reagan, in the defense of Stand Waitie, charged with murder, in the Federal court for the western district of Arkansas. Some of the Ross



ELIAS C. BOUDINOT.

faction, as they thought, caught him at great disadvantage, unarmed and away from the support of friends, and made a murderous assault, intending to take his life; but, as they rushed on him, he met them with desperate resolve, bowie-knife in hand, the strength of a giant and undismayed courage, and killed three on the spot, and mortally wounded two more, in less time than it has taken the reader to read this account of the conflict. Boudinot led off in the defense, following his old preceptor, the Hon. A. M. Wilson, then United States attorney, in one of the most effective and polished orations ever delivered by a man of his age. Reagan was then a great criminal lawyer, in the prime of his life, and Alfred W. Arrington was one of the most gifted orators America has ever produced. In that celebrated trial Boudinot established a commanding position for talent and has ever since maintained it. Stand Waitie was acquitted, and the counsel for the government to-day pronounce it a righteous verdict.

After hearing an account of this trial from persons who witnessed it, I asked Colonel Boudinot about the chief incidents attending it, and he made this memorable remark: "All the innocent blood and sufferings of my race came in panoramic procession before my mind as vivid as the lightning's flash, and determined me to make an effort worthy of my lineage or ruin my brain in the attempt." A portion of the time during his first years at the bar he mounted the editorial tripod as associate editor of the *Arkansian*, an ably-edited weekly published at Fayetteville in the interest of democracy. In 1860 the democratic State convention made him chairman of the State central committee, a very distinguished compliment for any man only twenty-five years of age. This position as one of the great leaders of democracy led him into editorial charge of the *True Democrat*, the leading democratic organ published at the capital. These positions for a man so young indicate extraordinary mental vigor, and they were supported with sufficient ability to give him a national reputation. In 1861 he was elected secretary of the secession convention by acclamation; and when that body adjourned he embraced the cause of the south, and repaired to the Cherokee nation and aided his relative, Stand Waitie, in raising one of the then Indian regiments

for the Confederate service. Stand Waitie was elected colonel and he was elected major, and soon succeeded to the office of lieutenant-colonel by succession. That great man—General Albert Pike—was commissioned by the Confederate government, then at Montgomery, to raise and command a brigade of Indians, and did so. John Ross was still principal chief. In October, 1861, he concluded a treaty with the Confederate States, espoused their cause, and issued a stirring proclamation to his people penned by the hand of a master, in which the author reads the genius of General Pike. He was then at Tahlequah, the capital of the Cherokee nation. He was engaged in the bloody battles of Oak Hills and Elkhorn. Under a provision of the Cherokee treaty with the Confederate States he was elected to the Confederate congress in 1863 and served in that capacity to the conclusion of peace. In September, 1865, the largest Indian council ever held in this country convened at Fort Smith, to determine the terms of a treaty then under consideration between the United States and the various Indian tribes inhabiting the Indian territory. Boudinot represented the southern Cherokees in that council and made an able and manly defense of the course pursued by them during the war. John Ross came to the council crying “traitor and treason” against the southern Cherokees for aiding in the rebellion; either forgetting or being shameless of his double treason and treachery to both sides. He deserted the south in 1863 and proceeded to Washington to sue for peace and pardon, on the ground that he had been morally overawed and forced to join the rebellion against his will, and that Boudinot and Stand Waitie were the responsible parties. When Boudinot came to answer these charges, he did it with documentary and official proofs against Ross, at once convincing, overwhelming, irresistible; pursuing now the patient, deliberate methods of the trained logician, then rising to the highest offices of the impassioned orator, he covered the name of John Ross with the brand of assassin and traitor, and overwhelmed it with an all-consuming fire which will burn in lurid light as long as the history of the Cherokee nation is preserved. He followed Ross to Washington and checkmated and foiled all of his machinations and combinations to inflict flagrant injustice on the southern Cherokees.

John Ross died before the final ratification of the treaty in July, 1866, and his faction tried to perpetuate their power in the person of another Ross, but signally failed. He had survived his usefulness and his fame — had lived too long. He saw the son of the murdered Kille-kee-nah, with the force of powerful logic and polished oratory, carry senates against him. He lived to see the murdered martyr triumphant in the person of his noble son, as he sank beneath a cloud of shame into a dishonored grave. In 1868 Colonel Boudinot was the chief actor in behalf of the Cherokees in negotiating a treaty with the United States. The tenth article of the treaty of 1866 contained a special provision exempting the Cherokees from taxation of every kind. Under this solemn treaty guaranty Colonel Boudinot established a tobacco factory in the Indian territory in 1867. In 1868 congress imposed a tax on the manufacture of tobacco, and authorized confiscation for violation of the act. Immediately on the passage of this act, Colonel Boudinot entered into official correspondence with the secretary of the interior, and obtained from that high official and his law adviser a construction of the revenue act of 1868, and the treaty of 1866, exempting his manufacturing enterprise from taxation — a construction in accord with the highest obligations of national faith, and one about which, it seemed, there could be no grave doubt in the minds of jurists, especially in view of the fact that it had been universally conceded that the legislative department had no power to annul a solemn treaty compact.

But Boudinot's factory was seized and confiscated, and the condemnation was sustained by a divided court, on appeal to the supreme court of the United States. This strange and anomalous decision stands out in solitude and unenviable notoriety. But the court attempts to soften the injustice and rigor of the nation's violated faith, in the assurance that Boudinot had kept his skirts clean, and the suggestion that he appeal to congress for restitution. Judge Dooley, the great jurist and constitutional expounder, was president of the commission that negotiated the treaty of 1866, and as an act of justice to the Indian, agreed to the tenth article of the treaty, exempting him from taxation, and did not then, and I presume does not yet,

doubt the binding force of that article. Congress did ultimately grant relief by conferring jurisdiction on the court of claims to settle and adjust the equities between Boudinot and the United States; and this tribunal, fifteen years after the injury, adjudged restitution. For many years he has advocated, with great learning and ability, the organization of a paternal government over the Indian territory, and a division of lands in severalty, coupled with the rights of citizenship, as the best solution of the great question now confronting the people of the United States. On these questions, at intervals during the last fifteen years, he has made many able arguments before committees of congress — learned, comprehensive and statesman-like. In the history of his race he reads in the near future, annihilation, if wiser measures than have obtained in the past are not adopted to avert it. He prefers the process of absorption to that of inevitable extinction. Fifty thousand Indians, surrounded by the most enlightened and progressive people known to the world, cannot, in the nature of things, long maintain an impassable wall; cannot long stay the tide of the higher civilization and restrain it from developing an agricultural area capable of sustaining five millions of people.

Colonel Boudinot, like Belshazzar, sees the handwriting on the wall, and for years has labored with great ability to educate his people up to his own intellectual standard. He favors the creation of a large school fund from the proceeds of their lands, to be held sacred, and guarded vigilantly. The more cultured Indians now come up to his views, and adopt his standard, but are largely in the minority. To the mind of the author the problem is now working out a satisfactory solution, without involving the breach of any treaty stipulation, or national faith. Physical and moral with natural causes now concur, and are focalizing in that direction, and consummation will follow in the near future, if tinkering politicians and our abundant supply of ill-advised statesmen do not, by unwise legislation, postpone the result. It may be postponed, never defeated. The government, in virtue of the right of eminent domain, and in aid of *quasi* public enterprises, has granted charters to a network of railroads, through and across the territory, which is ultimately in the influx of a large population from the States, favoring

the settlement of the territory. Many of these under the tribal laws are intermarrying with the Indians. Another potent factor is found in the number of good schools in the territory, where the native children are being educated. Education always antagonizes ignorance. Fifteen years ago our national law-makers, following the opposite arc of the Boudinot pendulum, became so conscientiously considerate of Indian rights and government obligations to them, as to forget the right of eminent domain, and consulted the "Old Tubby" Indian population, as to their opinions of railroad charters through the territory.

This action of the government in consulting the ignorant element was founded in as much wisdom as that which established the Egyptian worship of storks and onions, after all the wise men joined the society of mummies, and went napping on the Nile. But I am wandering too far; my subject can speak for himself better than his biographer. Some years ago the Hon. Daniel W. Voorhees, and many other distinguished members of the senate and house of representatives, united in a written request to Colonel Boudinot to deliver a lecture in Washington on the Indian races, from which the following extracts are taken:

"These tribes are rapidly wasting away, and soon, as in the east, the places in the west that know them now, will know them no more forever."

Ye say that *all* have passed away;
 The noble race and brave;
 That their light canoes have vanished
 From off the crested wave —
 That mid the forest where they roamed
 There rings no hunter's shout.
 Ye say their cone-like cabins
 That clustered o'er the vale,
 Have disappeared as withered leaves
 Before the autumn gale—
 But their memory liveth on your hills,
 Their baptism on your shore,
 Your rolling rivers speak
 Their dialect of yore.

"The report of the board of Indian commissioners contains the following language: 'If the national honor requires the ob-

servance of national obligations entered into with the strong how much more so with the weak? To repudiate, either directly or by indirection, our solemn treaty stipulations with this feeble people would be dishonor meriting the scorn of the civilized world. These words are but as 'sounding brass and a tinkling cymbal,' in view of the fact that congress has deliberately repudiated the Cherokee treaty of 1866 in a vital particular, and has been sustained by the highest judicial tribunal in the land. If then, professed philanthropists think the repudiation of the last Cherokee treaty is 'dishonor meriting the scorn of the civilized world,' why is it no word of protest is heard? Why do they not lend a helping-hand to reinstate the violated treaty? It has been struck down in their presence without calling forth one word of remonstrance from them. I have more cause to complain of the violation of Indian treaties, perhaps, than any living man. In more ways than the loss of property have I suffered by that act, which, we are told by the very men who helped to commit it, is dishonorable, '*meriting the scorn of the civilized world.*' Yet it is a fact accomplished. The tax-gatherer is sent to the civilized tribes by authority of congress and your courts to levy tribute for the support of this great country, in spite of the solemn treaty which stipulated it should not be done. Is it not right and just that we should have some voice in your government when you compel us to contribute to its support? Then make us citizens and clothe us with the prerogatives of freemen; arm us with the rights if you impose the responsibilities of citizens. Do this, and depend on it the Indian will bless you, if he but understands that he is elevated from the degrading rank of a subject to the elevated dignity of a citizen. You struck the shackles from four millions of slaves, and, while still dazzled by the full blaze of liberty, you girded them with the arm of citizenship, and bade them protect their new-born rights. You transformed the ignorant slave into an American citizen. Do as much for the Indian. Give him a voice in making the laws which are to govern him, and the right to sit on a jury which is to try his countrymen. Give him that representation which should go hand in hand with taxation, and do not longer trample on the laws and traditions of your race. Give the Indian those equal

rights before the law which you concede to all other people. Arm him with the powers and privileges of an American citizen. Give him that title to his land which he can protect and defend. *Then*, and not till then, will he have a country which he can call his own; *then*, and not till then, will he be possessed of indefeasible title to his home; *then*, and not till then, will he have a home freed from the dark forebodings of the future."

One of the finest legal arguments I have ever read was made March 5, 1872, by Colonel Boudinot, before the house committee on territories, in favor of a territorial government for the Indian territory, and in reply to argument advanced in opposition. Another great effort was made before the same committee in May, 1873, in favor of the bill to organize the territory of Oklahoma. In May, 1866, he replied to the slanders of John Ross, before the commissioner of Indian affairs, in one of his happiest strains of phillipic and convincing logic. In one of his lectures in 1873 he says of John Ross: "He had but little Indian blood in his veins, was inspired by no savage virtues; he was unscrupulous, sordid, grasping, loving power and wealth. He was possessed of great administrative ability, understood Indian character thoroughly, and never failed to turn it to his advantage. He died in Washington city, in 1866, after an unbroken reign of forty years." Of Hopothleyoholo he says, in the same lecture: "The bitter feuds existing among the Creeks had their origin, as among the Cherokees, in the cession of their lands east of the Mississippi, and removal to the Indian territory. McIntosh was chief of the party favoring a cession of their lands, while Hopothleyoholo bitterly opposed it. This remarkable chief was the uncompromising foe of the white man. He is described by a writer in the time of the younger Adams, as 'a chief of rare abilities and great daring.' He was a powerful speaker, fluent as a fountain, and extremely vigorous in expression; his imagery was original and beautiful, apposite and illustrative; his words and manner were passionate to wildness. I saw Hopothleyoholo last in 1861. At that time his eye was not dim nor his natural forces, to appearances, abated. Though carrying the weight of nearly a century, he stood proud and erect as in his

younger days, and gazed with a look of hate and regret at the progress of the white race. In the late war he carried his party to the side of the Union, whilst the other party followed the lead of the brave McIntosh into the rebellion; but he was animated by hatred to McIntosh and not patriotism in this move. Hopothleyoholo was unsurpassed in ability, and as an orator was the peer of Logan and Tecumseh. He regarded the white man as his natural enemy, and hated him with a perfect hatred to the day of his death, which occurred at Leavenworth, Kansas, in 1863. He was actuated by the loftiest spirit of Indian patriotism, hating the civilization of the white man, and loving his people and the graves of his fathers with all the passion and fervor of his wonderful character."

There are many beautiful and striking passages in this lecture. Of his native language, he says: "The Cherokee language seems to be distinct and independent of all other tongues; it is smooth and soft, and when spoken, by females especially, sounds most musical. There are but two words in the language which require the touching of the lips to pronounce, those words mean water and salt, and have the sound of M. The Cherokees are the only Indians who have an original alphabet for their language. The Creeks and Choctaws use the English characters, but the Cherokees have an alphabet of their own, invented by a Cherokee who could not speak a word of English, his name was Siquoyah; he was the Cadmos of his race, had none of the lights of science or civilization to guide him; but, conceiving the idea of enabling the Indian to 'talk on paper' as he one day saw an agent of the United States doing, he shut himself in his cabin one year, and endured, like many reformers and inventors, the gibes and jeers of the ignorant and thoughtless, who all pronounced him crazy, until he came forth with a perfect alphabet, and established his claim to be ranked among the first inventive minds of the century of wonderful inventions. This alphabet was invented in 1822, and consists of seventy-eight characters, and strange to say is most easily learned by children." Colonel Boudinot is an able lawyer, a polished and refined gentleman, and possesses the most fascinating conversational powers. To these many accomplishments is added a wonderful musical talent, and one of

the most charming voices given to men. He is a Mason of the thirty-second degree.

His cousin, the sister of Stand Waitie, is reported to have been one of the most beautiful and charming of her sex. She married Henry W. Paschal, once associate justice of the supreme court of Arkansas. Some years since he married one of the reigning belles of Washington, a beautiful and accomplished lady. The author's little six-year-old boy, after seeing great numbers of Indians, pointed out Colonel Boudinot to one of his little playmates, as "the best Indian I ever saw." "How are you my pale face friend," was the uniform salutation he extended the author during an intimate acquaintance of two years.

PLEASANT JORDAN.

BY HON SAM. W. WILLIAMS.*

In Mount Holly cemetery, Little Rock, to the left of the prolongation of Arch street, through it, near the southern border of this lovely city of the dead, stands a modest head-stone, which has upon it that name, and below it, born in Henderson county, North Carolina, August 17, 1812, died May 27, 1863. This is all that is said of a man who was several times elected attorney-general of this State, who was for twenty years a practicing lawyer in Little Rock, a polished scholar, and lived a blameless life, beloved, and died regretted. A writer of forty years ago, who did much to preserve the historic revolutionary traditions of two States from utter oblivion, complained of two faults, which existed as results of the excessive modesty of the southern people, as to their history; one was, that at once, on the approach of death, to destroy all letters and papers that might give a hint of events through which they had passed; another was, that on our tombstones we put a name, and only two events which occurred to the person who bore it — birth and death. This habit is singularly illustrative in this and many other instances in Mount Holly cemetery.

His father was a Baptist minister and farmer, owning the acres he cultivated in the rich alluvial border of the French

* Written for this volume at the special request of the author.

broad river, which was, until the manhood of our subject, within the limits of Bunkum county, North Carolina. Here, in this narrow, fertile valley, between the Blue mountains, in which the sparkling waters of this beautiful little river runs to mingle with other waters far away, Pleasant Jordan was born, and reared to manhood, receiving in the neighboring country schools the rudiments of a common-school education, working the while on the farm at such work as was necessary to make the crops, prepare them for market, and dispose of them in the neighboring markets. His ambition was to become a learned man; this resolve he carried out. His kind parents fitted him out with the necessary clothing — no doubt much of it, as was then customary among well-to-do farmers, was the handy work of the mother's deft fingers, and he went into the neighboring county of Greenville, South Carolina, and matriculated in a classical school established upon the manual-labor plan, where the pupils worked for their board, to develop the physical nature, a school then very much in vogue, and where some of South Carolina's greatest men were educated. He there had a classmate, Lawrence Orr, afterward a speaker of the United States congress, and United States minister to Russia. Mr. Jordan told some amusing stories on Orr. He would shirk the hours of work, and sit in the corner of the fence — boy as he was — and tell his future plans of political life, and future expectations of going to congress; which, many years afterward, he did. At this school, which Mr. Jordan attended several years, he received a thorough classical education, and, after graduating there, he went into an adjoining county in South Carolina, and commenced an English and classical school, common, at that day, in that country. Here he taught until he had accumulated enough means to enable him to enter the law office of Hon. Simpson Bobo, a prominent lawyer of Spartanburg, South Carolina, where he studied law. At this school, while Jordan was teaching, a tall, lank, raw-boned boy came up afoot, driving a little pair of mountain steers, and told Jordan he was from the mountains of Greenville county, South Carolina, and wanted to sell his little steers to get money to go to school; on ciphering over it, it was found that the steers would not bring enough to pay for his

tuition and pay his board, but the mountain boy, with his steers, were kindly taken by Jordan to his boarding-place; with a generous-hearted, wealthy planter the matter was soon arranged, enough money was gotten for the steers to pay tuition, and the planter agreed to board the boy. He entered school, almost in the primer, but his strides in learning were a prodigy, and at the end of the session he was a fair English scholar. This boy was Joe Brown, afterward governor and United States senator from Georgia. I saw Senator Brown some years ago, and he made kindly inquiries about Mr. Jordan's family; told me, laughingly, the same story that Jordan had told me years before. The old man retains still a very affectionate remembrance of his old-time teacher. After completing his law studies at Spartanburg, in the latter part of 1842, he picked up his little economies, the remnant of his savings from tuition, and started with his brother Fleming westward, and landed at Little Rock in the winter of 1842-43, and entered the law office of Colonel Absalom Fowler, where he studied the Arkansas constitution, statutes and practice for a few months, and opened an office at Little Rock in 1843, while his brother Fleming went to Arkadelphia, the then new county seat of Clark county. The brothers, for some years, practiced in partnership in this way. The early death of Fleming Jordan ended the partnership, leaving a lasting and profound sorrow in the heart of the survivor, who had for the deceased the tenderest affection.

2 Pleasant Jordan was eminently a self-made man, owing his success, mostly, to his integrity, energy, application, perseverance and kind manners; his talents were far above mediocrity, and his mental training was first class. He had a large, influential and wealthy clientage, and maintained a respectable position in the face of a strong bar; accumulated a comfortable fortune by his practice; was several times elected State's attorney for the fifth circuit, and *ex-officio* attorney-general of the State, which offices he filled with honor and distinction. His arguments as a lawyer appear in our supreme court reports from the 7th to the 23d Ark., inclusive. He was in politics a whig, yet, such was his personal popularity, that he never was beaten but once, by a democrat in a strong democratic district,

and at last was allowed to run without opposition, in the hopelessness of success in opposition to him. He was five feet ten or eleven inches high, had black eyes, jet black hair and whiskers. He possessed a genial, kindly and cheerful disposition, and that sincerity and directness which are, happily, the ordinary characteristics of well-bred farmers' boys; this was the secret of his great personal popularity. He was an entertaining companion. He would divide his last farthing with a friend, and suffering and want found in him sympathy and help. He was a Baptist in religion, but there being no church of his order at Little Rock at that time, he joined the Christian or Campbellite church, and lived his religion in every-day life. He had a rich, musical voice, and was a ready, easy, earnest and effective speaker. He was very fond of vocal music, at which he was himself an adept. Once I was rooming with him and Judge Clendennin in an out county; we had been from home four weeks on the circuit; just before retiring for the night, he stood up before the fire and began to hum in a low voice, and, suddenly throwing back his head, he began, full voiced, to sing Switzer's song of Home. The frame of mind of a homesick young lawyer, as I was, the stillness of the night, the clear, rich tones of the singer, the peculiarly touching character of the sentiment, and the sweetness of the air, all riveted upon my mind forever the occasion, and its principal actor. It is a picture with me now, and in opera or in concert I have never heard music so sweet as that solo. In 1851 he married Miss Sallie E. Howell, the daughter of Hon. Seth Howell, of Johnson county, who still survives him. Mrs. Judge B. C. Brown is his only surviving daughter; two little girls lie with him. He left surviving, two sons, Howell and Lee, who are still living. His health began to fail in 1862, but he and his friends believed that time and care would restore it, but in May, 1863, in the midst of these hopes, he suddenly and rapidly sank to the grave.

HON. W. C. BEVENS, BATESVILLE.

W. C. Bevens was born in Charleston, South Carolina, in 1806, of English parentage in both lines. Loss of his father threw him on his own resources in early youth, but he was ambitious and accomplished a good academic education. He

began preparation for the bar early in life, but gave it up to embark in a gold mine that did not come up to glittering expectations. His next venture was in the mercantile business at Greenville, South Carolina, where wealth crowned his efforts beyond reasonable expectation, to be dashed to pieces in the great financial crash of 1837, and the entire loss of a cargo of goods at sea. These disasters drove him to Texas, where, in 1840, he found employment, first in the civil and then in the military arm of the government. After this he became a school teacher; again wooed and embraced his deserted spouse (the law), and was admitted to the bar in Houston in 1843. Being compelled to seek a higher altitude, he left Texas in 1846, and located at Batesville, Arkansas. Soon after his arrival he was appointed final receiver of the State Bank by Governor Drew, and the appointment of attorney for that branch soon followed, and continued until the business of the bank was wound up. In 1853 he stepped aside for a little political recreation, and became a member of the Arkansas legislature. In 1856 he was elected circuit judge, and served the people in that capacity four years, with honor and credit to himself and the State. Judge Bevens was an ornament to the bench and bar, and to the great body of society. A strict Presbyterian, the creed of his church furnished the rule of his daily conduct. The Hon. J. W. Butler, present judge of the Batesville circuit, married the daughter of Judge Bevens, and Governor W. R. Miller married another daughter. W. A. Bevens, a talented son, survives him. Judge Bevens died at Little Rock, on the 28th of September, 1865.

COLONEL JAMES RUSSELL PETTIGREW, FAYETTEVILLE.

Colonel James R. Pettigrew was born in Hempstead county, Arkansas, October 19, 1829, the son of the late Hon. George A. Pettigrew, a member of the legislature from Washington county in 1840-'42. In 1830 his father moved to Washington county, where the son resided the remainder of his life. He was well educated in the English branches at Ozark Institute and Arkansas College. After some experience in mercantile pursuits, he entered the law office of Major W. D. Reagan, and was admitted to the bar at Fayetteville in 1852. Soon

after he married Miss Allie, the daughter of his preceptor, and was then admitted to partnership in the very extensive and lucrative practice of his father-in-law, which continued until 1877, when the latter moved to Texas.

In 1859, in conjunction with Colonel E. C. Boudinot, he founded the *Arkansian*, a democratic journal, published at Fayetteville until the war caused its suspension. His next venture in journalism resulted in establishing the *Sentinel* at Fayetteville, which he owned up to his death, in October, 1886. He raised a company for the Confederate service, which he entered as captain and was soon promoted for gallantry in the field to lieutenant-colonel. In one of the great battles in the west he fell, severely wounded in the head, whilst leading his regiment in action, and his life was long despaired of, but he ultimately regained his normal physical and mental condition. At the close of the war he resumed his law practice in connection with Major Reagan. In 1866 he was elected to the seat in the legislature once honored by his father, and did all a hopeless minority could do to break the force of the odious legislation inaugurated and carried out by the unscrupulous and pestilential carpet-bagger under the Murphy government and the reconstruction acts of congress under President Johnson's administration. He was sent by this legislature with other commissioners to Washington to intercede with the executive and congress for the admission of Arkansas into the fellowship of States, but the party in ascendancy at that juncture rejected the overture. Colonel Pettigrew was a modest, courteous, unassuming and polished gentleman, possessed of much magnetism when he chose to exert it. In 1879 the democratic majority in the senate of the United States elected him journal clerk of that body, which he held until President Arthur, in 1882, appointed him as the democratic member of the Utah Commission. His appointment in this, as his election in the preceding instance, was largely due to his polished and engaging address. In 1874, four years after the decease of his first wife, he married her sister, Miss Annie Reagan. In October, 1886, he went to Waco, Texas, on business, and there died suddenly of congestion on the 18th. A large concourse attended his funeral at Fayetteville, the author being one of the mourners, whither he



HON. J. R. PETTIGREW.

had gone to meet the deceased and the venerable Major Reagan. A funeral cortege took the place of the anticipated happy meeting. Such are the disappointments which rise up in our pathway all along the line of life's uncertain tenure.

HON. HULBERT FELLOWS FAIRCHILD, BATESVILLE.

Judge Fairchild was born in New Lisbon, New York, October 25, 1817. His academic course was completed at Oxford in his native State, and in 1835, he entered the sophomore class at Williams College, Massachusetts, where he remained two years, advancing to the senior class in 1837, and then leaving, without laying his collegiate foundations any deeper. Of his ancestry and the origin of his family we are not advised. Our primitive democracy in many respects is a curious institution. In the early days of the republic it laid deep the foundations of national aversion to the heraldry of nobility and the adventitious foundations of presumptive greatness, under the supporting shadows of a monarchy. In this direction it often invites the offices of obscurity and the asylum of oblivion. These dogmas had their origin in the persecutions and sufferings of the Pilgrims, out of which grew an intense hatred to the institutions which fostered the power that drove them from home and made them wanderers in distant regions of the globe. The latitude of New England gave these feelings their strongest support, in colonial times. Farther south, in the old aristocratic colony on the James, where the portionless and heirless scions of the English nobility settled, it did not obtain until long after the revolutionary period. Stripped as they were of the natural rights of inheritance by the ancient graft of Norman feudalism, they loved and idolized monarchy, until its abuses drove them to revolt and revolution, and for half a century afterward they maintained the laws of primogeniture and property qualifications to vote, and their descendants yet love to trace their blood back, as near as possible, to the royal fount. The same institutions sometimes lead to the other extreme of the arc described by the democratic pendulum and tear down the walls of oblivion, invade the privacy of obscurity, and lead her children captives in the chariot of fame.

The rail-splitter in the wilderness, the Greenville tailor, the New England cobbler, the Galena tanner, and the surveyor in the wilderness, now resting in the embrace of a glorious immortality, are all types of the latter class. American democracy, while it mocks at monarchy, derides artificial greatness, and tears down hereditary assumptions, and the violent presumptions necessary to the support of royalty, is not a common leveler, but it tears down all obstruction to the expansion of greatness, and invites competition from every source in the field of fame. In this field of competition for achievement and honors in the higher walks of man, our republic places all of her children on the roll of promotion. Impenetrable democratic obscurity cuts us off from following Chancellor Fairchild's ascending ancestral line beyond the parental stem at New Lisbon, where his mother and father Reuben lived honored and blameless lives. In 1838 the future first chancellor of Arkansas immigrated to Louisville, Kentucky, and became a law student in the office of Pirtle & Sneed, and in 1841 they graduated him and had him enrolled on the roster of his profession. In December, 1841, he located in Pocahontas, Arkansas, where he practiced four years prior to his removal to Batesville. He rapidly advanced to a high standard in his profession, and was better fitted for the thoughtful and accurate discharge of the duties of the jurist than the *nisi prius* contests of the lawyer and the advocate. To the impulsive passions which light up the soul and sway auditories at the command of the orator, he was as immobile as Parian marble; but his well-organized mind led him into a higher field of intellectual dominion where his powers of abstraction, induction and logical analysis gave him empire over mind rather than heart. He looked upon the laws' design as the consummation of man's wisdom; as a practical science of vast import, compassing the whole range of human action and embracing a philosophy deep, broad and expansive as the field of human motives, interests and impulses. To him, as to all of the noble guild of true lawyers, the charlatan and worthless pretender, who never penetrate beyond the vestibule of the science, are parasites, to be shunned as objects of contamination.

No man, saint or sinner, ever held his temper in better sub-

jection; it was never known to get the better of his cool and passionless judgment. He was a whig in politics, but non-partisan and passive, simply voting more to discharge the duty he owed society than to promote or gratify party interests. These qualities commended him to Governor Elias N. Conway, who appointed him chancellor in 1855, when he was engaged in earnest effort to crush the abuses growing out of the old Real Estate Bank and its corrupt management. He discharged the duties pertaining to this high station, with honor to himself and great profit to the State, until 1860, when he was elected associate justice of the supreme court by the legislature. The war absorbed all the energies and resources of the State during its continuance, and left but little business for the supreme court, hence the opportunity to build a judicial fame was wanting during that period; but enough is known to warrant the statement that he would have become one of our ablest jurists had he remained on the bench until more auspicious times. His freedom from excitement, and non-partisan nature, emancipated him from inclination to war, and he kept out of its whirlwind, but adhered loyally to the south, and refrained from criticising the errors and blunders of her leaders. All sects and creeds, religious and political, justly held him in high esteem. He was appointed to the high station of chancellor by a democratic governor, and was elected to the supreme court by a democratic legislature. Judge Fairchild resigned his commission in 1864 and moved to St. Louis, and there attempted to practice his profession, but encountered the odious ostracism of the Drake constitution, and was prohibited.

Thus driven from his profession, he combined business with pleasure in 1865, and made the tour of England and the continent. He returned late in the year and selected Memphis, Tennessee, as his future home, there to begin again, in the meridian of his intellectual powers, the battle of life. In January, 1866, he left Memphis on a business trip to his old home at Batesville, but at Jacksonport on White river, on the third of February, the old man with the scythe served his final injunction and gave his noble spirit a passport to God. He met the inevitable hour in the true and exalted spirit of Christianity he had so long cultivated in the Presbyterian church.

He loved communion with the best authors, and did not suffer law, although a stern and jealous science, to dwarf his attainments in the higher fields of literature and science. The lights in his library were seldom extinguished before two in the morning. In these late and thoughtful hours intemperance found its only indulgence with him. He was passionately fond of fine horses and out-door exercise, and indulged these tastes as a means of rest and recreation from the fatiguing laboratory of the brain. He was eminently social and democratic in his nature, and his relations to the bar, society and his family were all typical of his kind heart and nature. All of his children — three sons and one daughter — preceded him to the grave. These afflictions weighed heavily on his heart, but he bore up against them with stern, submissive, Socratic philosophy, which astonished his friends. His widow resides in Cleveland, Ohio.

MAJOR-GENERAL THOMAS C. HINDMAN, HELENA.

What is man and the mission assigned him by the Creator in the economy of a universe so vast as to defy the utmost scope of his conceptions to comprehend? Aided by the splendid flight of the telescope, his vision penetrates the outward vast where Neptune travels the circuit of outer guard to our solar system, which is but a decimal of that system of suns and systems, which, unified, we call the stellar universe; an aggregation of millions of worlds, some new, some old, some forming, others perishing with age. Led by science in this sweep of vision to distances, a projectile moving at the velocity of a cannon ball would not reach in a million of years; we read from the book of nature, unfolded along the solar and stellar highways the same laws of production, combination and decay we see around us every hour on the decimal we inhabit. The river we beheld yesterday has swept on to the sea, and is not the river we see to-day; the world that knew us yesterday is not the world we know to-day. The sun and the moon and every unit in the stellar and solar systems are as much pervaded with the primal law of change as the man who comes into the world to-day and passes out to-morrow. All that comes and goes on earth is sooner or later invaded by oblivion. The mightiest colossus fame ever builded stays the ravages of time but a moment in



MAJOR-GENERAL THOMAS C. HINDMAN.

the aggregation of cycles, measured in the circuit of duration. What do we read in all this? Ever-giving vitality which converts death into new life, and banishes it from the economy of God. His law permits nothing to perish. Unceasing changes to accommodate new combinations are primal factors on which the universe is founded; but *death* is an allegory, a legend, springing from, and existing alone in man's contracted vision. When we cross the boundary, oblivion soon appropriates the places that will know us no more forever, and we pass to the rear to join the innumerable throng that swells the roll of the forgotten.

Yesterday "Tom Hindman" was moulding, leading, crystalizing public opinion in Arkansas, and triumphantly marching to the goal of his ambition over powerful opposition — the next day he was commanding armies and leading victorious legions on the bloodiest fields of modern times. He is dead, and no one to-day can tell where he was born or educated, or any thing connected with his early life; and it is a matter of conjecture as to which of three States is entitled to the honor of his birth. Six months' correspondence leaves it in doubt. His worthy son — Professor Biscoe Hindman — was too small to know any thing about such things when his parents died, and no one more than he regrets the loss of his father's early history.

Hugh L. McClung, clerk of the Federal court at Knoxville, Tennessee, under date of February 23, 1887, writes: "Thomas C. Hindman, Sr., the father of General Hindman, lived ten miles east of Knoxville, on the Governor Roane farm, and I think the general was born there, but am not certain. From there his father moved to Alabama or Mississippi. I think he was a Yale graduate, but I did not know him until 1857, when I met him at Helena, Arkansas, where he then lived." W. C. Falkner of Ripley, Mississippi, writes, under date of February 10, 1887, to the general's son, Biscoe: "Your grandfather Hindman owned a large plantation and a large number of slaves two miles west of Ripley. He was killed by the fly-wheel of a gin. He came here from Alabama, I believe from Talladega. I first knew your father in 1845; he was not then grown. In 1846 he and I went into the Mexican war. He was second lieutenant in the company commanded by Captain Am.

Jackson, in the Second Mississippi regiment, commanded by Colonel Charles Clark, and served the entire war. On his return, in 1848, he read law, and I heard his maiden speech, which gave him high rank as an orator for one so young. In 1851 he canvassed north Mississippi against ex-Governor Henry S. Foote, at that time the most famous stump orator in the State. He sustained himself well in that memorable canvass. He was twice elected to the legislature from this county, defeating the ablest men of the day." General W. H. Govan, under date of February 28, 1887, writes: "I know nothing scarcely of his early life; my impression is he did not receive a collegiate education. He read law in Ripley, Mississippi, where he was admitted to the bar. He was a born politician, however, and went early into politics, and was elected to the legislature in 1851 or 1852. He was quite prominent in the canvass of 1851, when the question of secession was before the people. A warm friend of Jefferson Davis, the leader of the State rights democracy, he advocated the right of secession. The State went largely for the Union ticket, led by Henry S. Foote. I first met General Hindman during this campaign and heard him speak. Although a very young man, he made quite a reputation as a forcible and fluent speaker. About 1852 or 1853 he emigrated to Arkansas and settled in Helena and became associated in the practice of law with Major John C. Palmer. In 1855 he took an active interest in politics and canvassed the district against know-nothingism, in which he added much to his reputation as an able speaker.

He was twice elected to congress, but his greatest civic triumph was in the election of Henry M. Rector as governor, in 1859. Dick Johnson of Little Rock had been nominated by the democratic State convention, which was considered equivalent to an election. General Hindman repudiated the action of the convention, and with a few friends held another convention, and nominated Henry M. Rector. He took the field for Rector, canvassed the State, and made the most brilliant canvass of his life, and Rector was elected by a handsome majority, although nearly all of the prominent men of the State were opposed to him. He early espoused the cause of the Confederacy, left his seat, and came home from Washington, early in

1861, and raised a regiment for the war. His command was increased to a legion, by the addition of a battalion and battery of artillery. We were ordered to Pittman's Ferry, Arkansas, where we remained until after the battles of Bull Run and Manassas, when we were moved to Cave City, Kentucky, where we remained until after the fall of Donaldson, when our command was moved to Corinth, Mississippi, a short time before the battle of Shiloh. Before we left Kentucky he was commissioned brigadier-general. We reached Corinth the latter part of March, where we were soon to experience the stern realities of war, and to lose upon the bloody field of Shiloh some of our best men. About the 2d or 3d of April, 1862, we moved out from Corinth, to attack the enemy before all of his forces concentrated, General Hindman commanding a division, receiving his commission as major-general the morning before the battle of Shiloh. Our division formed a part of Hardee's corps, and occupied a central position in our army. Our troops drove every thing steadily before them, carrying every thing by storm. Some time during the day, after the battle was nearly won, he was badly hurt by a singular fall from his horse, which occurred in this way: During a hotly-contested fight our Arkansas troops were charging a battery which was pouring a destructive fire into our ranks. During the progress of this charge General Hindman halted for a moment in an open field, to consult with Colonel J. G. Shaver, in command of the Second Arkansas. Lieutenant Patterson, adjutant of the regiment, rode up. Whilst in this position a shell from the enemy's guns came whizzing along, passed through each of the three horses, and threw the riders high in the air. In the fall General Hindman's thigh was broken, and, not being able to mount a horse, he was carried to the rear, and back to Corinth. A few days after the battle of Shiloh General Beauregard appointed him to the command of the department of the Mississippi, with head-quarters at Little Rock. Arkansas was then stripped of troops; all of her soldiers had been sent east to Bragg and Lee. General Hindman proceeded immediately to organize an army. New energy and life was infused in our people, and soldiers rapidly flocked to his standard.

The president of the Confederacy, however, saw fit to supersede him, by placing General Holmes over him, which frustrated all of his plans. General Holmes sent him to take charge of the forces then being collected at Fort Smith. The Federals, under command of General Blount, invaded north-western Arkansas, and General Hindman moved out to meet him. A sanguinary battle was fought at Prairie Grove, without decisive result, both parties claiming the victory. The Confederates, being poorly supplied with arms and munitions of war, were compelled to fall back to their base at Fort Smith, and from thence to Little Rock. After his return to Little Rock, General Hindman, at his own request, was ordered to report to General Bragg, which he did at Chattanooga, about the 1st of September, 1863, and was immediately assigned to the command of a division composed of General Bate's brigade of Tennessee troops, General Day's brigade of Alabama troops, and General Walthall's Mississippi troops. He commanded this division in the battle of Chickamauga, and no troops in the army of Tennessee behaved with more gallantry. He had a falling out with General Bragg a short time before, and was relieved of his command soon after the battle of Chickamauga, and took no active part in the war afterward."

The following letter is from President Davis

BEAUVOIR, MISS., *3d January, 1867.*

HON. M. T. SANDERS:

MY DEAR SIR— I was for many years personally acquainted with the late General T. C. Hindman; he was the son of a gallant officer in the war of 1812, and, I believe, was born in Mississippi. Without entering into a question of heredity, General Hindman was certainly endowed with high military attributes. Both in his civil and military career he displayed zeal and energy, marked by unswerving fidelity. Daring, without being rash; and looking beyond the event of the moment to the future result to be achieved, he possessed the instincts of a soldier, without which no amount of education can make a general. Bound to General Hindman by close ties of friendship, I am warned of the propriety of being guarded in my expressions in regard to him, lest it should be considered a

tribute of friendship, rather than to the merit of the deceased.

Very respectfully,

JEFFERSON DAVIS.

Since the manuscript thus far was prepared the author received the following letter from John Ingram, Esq., of Little Rock, a native of Arkansas, and an enthusiastic admirer of General Hindman, which, with information from other sources, satisfies the author that General Hindman was born in Mississippi.

LITTLE ROCK, *June 17, 1887.*

JOHN HALLUM, *Lonoke, Ark. :*

DEAR SIR— Your expressions of anxiety to learn the birth-place of the late General Thomas C. Hindman enables me to give it to you as he gave it to the public, in the noted campaign of 1859. The large stock of campaign thunder hurled at him, that year of his triumph, embraced the silly charge that it was not known where he was born. In reply to this charge, in his speech at Van Buren, he said that he was born in Tippah county, Mississippi, a statement, I presume, embracing absolute verity.

Yours truly,

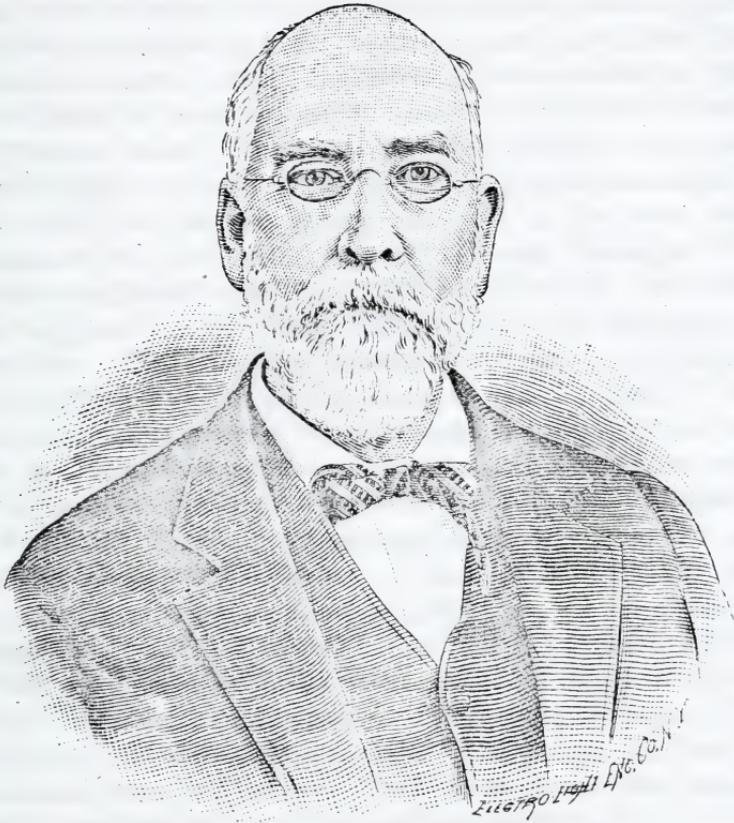
JOHN INGRAM.

General Hindman and his old political adversary, ex-Governor Henry S. Foote, late in the fall of 1860, addressed a very large auditory in Memphis, on the political issues of the day, then crystallizing with revolutionary momentum in the two great sections of the Union. Governor Foote, in one of the most polished and chaste efforts of his life, was trying to stay the revolutionary tide, then setting in so strong for war. With "Tom Hindman" (a pet name in Arkansas) the day for concession and conciliation had passed; he viewed war as the ultimate and inevitable arbiter. He was then ascending to the political zenith, as a star of the first magnitude in the State of his adoption, had been twice elected to congress over powerful and compact organizations, had inaugurated and led a successful rebellion against an organization supported by all the old party leaders, who looked on him as Bourbons looked on the Corsican after he had won Austerlitz and Marengo, and

became the dictator of France and Europe. No party leader of a revolt was ever hated so cordially as "Tom Hindman." No man ever dealt defiance to the opposition with cooler and more emphasized disdain. There was not a negative, passive element in his nature; every element of it was grouped and developed under positive aspects. No man ever had more confidence in his own native resources, nor utilized them more readily. To hate and denounce what he conceived wrong and oppressive grew into one of the strongest passions of his mature manhood. His mind was cast in this mold in the memorable canvass of 1851, when he espoused the anti-Union sentiments of Jefferson Davis, and succeeding years and maturity of judgment confirmed them. The discussion alluded to between him and Foote presented a field peculiarly adapted to the daring energies and bold sweep of his own genius, which led him, like an eagle cleaving the clouds and sweeping the Alps to denounce northern invasion of constitutional guaranties, with the fiery energies of Cicero denouncing Cataline. The author knew both speakers personally, and was an attentive auditor; each was a foeman worthy the lance of his adversary. General Hindman knew he had the popular heart, and he played on its nervous keys with the skill of a master. He was murdered by a stealthy assassin, in the bosom of his family, soon after the war ended, the assassin firing through a window, near which the general sat in converse with his family. The murderer has never been discovered. He married the daughter of Henry L. Biscoe, a very prominent man in our early history. His person was small, features finely cut, hair light, eyes gray and piercing, and flashing with nervous energy. A good portrait adorns the capitol building at Little Rock, from which the portrait here presented was taken.

GOVERNOR SIMON P. HUGHES, LITTLE ROCK.

Governor Hughes was born in Smith county, Tennessee, August 14, 1830, the son of Simon P. Hughes, a native of Prince Edward county, Virginia, and Mary P. Hubbard, sister to Peter Hubbard, a scholar, and the greatest teacher of his day. The father was a man of strongly-marked individuality, great popularity and force of character; was sheriff of his



GOV. SIMON P. HUGHES.

county and a member of the legislature. A prosperous farmer, his sons were educated in all the branches and mysteries of agriculture, going to the primitive schools of the period during the fall and winter, when they could best be spared from the farm. In 1844 young Simon accompanied some relatives to Pulaski county, Arkansas, and worked with them on a farm two years for wages. In 1846-7 he attended school at Sylvan Academy in Sumner county, Tennessee, taught by Peter Hubbard, his maternal uncle. In 1848-9 he was a student at Clinton College in his native county. In the fall of 1849 he moved to Monroe county, Arkansas, and there labored on a farm several years for wages. His friend and patron was sheriff of the county, and became strongly attached to the young man, because of the many good traits of character developed in his business and social relations. In 1854 he retired from office, and suggested to his young friend the idea of becoming his successor. This wholly unexpected manifestation of high trust and confidence astonished the young man, and he said: "I am comparatively a stranger in the county, am only known to a few as a hard-working farmer, am poor, and it would be impossible for me to give the large bond required, if I could secure the election. I would not ask any gentleman to assume such onerous responsibilities for me. I thank you for the kind feeling manifested in the suggestion, but the prize is altogether beyond my reach." His kind friend, in response, said: "Never mind, young man, about the bond. That difficulty claimed my attention before I spoke to you. I will make the bond. You and I can pull through the election. The people will soon see you have nerve and energy. I will assure them you have capacity and integrity, and they will not doubt that."

This was the estimate of the man who knew him better than any other man in the county. These assurances overcame the boy's hesitation and misgivings, and he became the opponent of a bully for the office of sheriff. The campaign was an exciting one; public speaking and barbecues were the order of the day; the people assembled in large masses, and many thought the youth would soon be driven from the field by his overbearing opponent, and but few *knew* his courage would be equal to the strain brought to bear on it. At the first appointment his

The first part of the history of the city of Boston is a description of the city as it was in the year 1630, when it was first settled by the Puritans. The second part is a description of the city as it was in the year 1775, when it was captured by the British. The third part is a description of the city as it was in the year 1800, when it was a city of about 10,000 inhabitants. The fourth part is a description of the city as it was in the year 1850, when it was a city of about 50,000 inhabitants. The fifth part is a description of the city as it was in the year 1875, when it was a city of about 100,000 inhabitants. The sixth part is a description of the city as it was in the year 1900, when it was a city of about 250,000 inhabitants. The seventh part is a description of the city as it was in the year 1925, when it was a city of about 400,000 inhabitants. The eighth part is a description of the city as it was in the year 1950, when it was a city of about 600,000 inhabitants. The ninth part is a description of the city as it was in the year 1975, when it was a city of about 800,000 inhabitants. The tenth part is a description of the city as it was in the year 2000, when it was a city of about 1,000,000 inhabitants.

opponent took the stand, and scarcely delayed long enough to get through a respectable introduction, before assuming an air of superiority and contemptuous ridicule for the young aspirant. "There is a tide in the affairs of men which, when taken at the flood, leads on to fortune;" and the young man had the courage and sagacity to see and to ride the flood. He stepped up to the mistaken bully at the supreme moment, and demanded and commanded respect in the fearless tones of Jove, which quickened and carried conviction and meek obedience. This moral and physical courage, so unexpectedly manifested by the young farmer-boy, challenged the admiration and respect of the auditory, spread through the county, and made him the hero of the hour. Had he failed in that supreme moment he would never have been governor of Arkansas; from that moment his election was assured. We have given prominence to this circumstance because, like the index-finger, it points to the resolute pursuit of ends and convictions which are typical of the life of Governor Hughes. Eminently a man of peace and quiet, he becomes a lion only when necessary to display those latent forces. He began the study of law after his election to the office of sheriff, and came to the bar in 1857, located in Clarendon, and practiced there until the civil war demanded his services in another field.

Loyal to his native section, he espoused the cause of the Confederacy, without critically weighing the great political questions underlying that struggle. Sectional disregard of constitutional obligations, followed up by triumph at the polls and the play of musketry and cannon on the people of the slaveholding States, retired all further consideration of constitutional questions until the day of blood was over. He recruited Company F of Colonel Charles W. Adams' Twenty-third Arkansas infantry, of which he was elected captain. When the regiment was organized he was elected lieutenant-colonel. When the army was reorganized, after the great battles of Shiloh, Farmington and Corinth, he was left without a command, but immediately joined Morgan's battalion of Texas cavalry, trans-Mississippi department, and served in that command until the collapse, in 1865. We have read high testimonials to his ability, courage and efficiency as a soldier, from Generals Holmes,

Moore and Cabel, but have no room for insertion here. At the close of the war he rejoined his wife and child at Clarendon, with no capital but a profession and a good name. The confidence of the people in him was unlimited, as a lawyer and citizen, and at that flush era in the courts he rapidly recovered his lost fortune. In 1866 he was elected to the legislature, and by that body, one of four commissioners to confer with the president, with a view to avoid, if possible, the miseries and humiliation of reconstruction, then sweeping over the conquered provinces. But that class of rabid and revengeful politicians, headed by Thad. Stevens and his following, then dominated the government. These leaders were riding and directing the angry whirl and tremendous energies of the political revolution, following on the heels, and growing out of the results of the war. No one then knew whether we were drifting into monarchy, a purely centralized government, or whether we would drift back, after the storm, and anchor near the ancient land-marks of the constitution. The leaders were angered at the fact that Andrew Johnson was too stubborn to be led by the nose.

These complications stamped the mission with failure, and postponed the inauguration of republican government in Arkansas until after the revolution of 1874. In that long night Arkansas was governed with the despotism of a Persian Satrap, and with as little regard to the rights of the people. In 1874 the republican cuttle-fish polluted the political waters until it died of its own poison. When that event took place, the people regained their liberties and assembled in convention through their representatives to inaugurate a new and a better order of things. Governor Hughes was a representative man in this convention, and his conservative forecast left its impress in the constitution of that year. His conspicuous services in this convention first brought him prominently before the people, and the democratic convention of that year nominated him for the office of attorney-general, and the people ratified it at the polls. He started out in life an "old-line whig," but, on the demise of that party, took shelter in the democratic fold, where he has been honored and treated as "one of us." In 1876 he was a candidate for governor, and received a very flat-

tering vote, but was defeated in the convention. From 1876 to 1884 he devoted himself to his professional and agricultural interests, being a large planter. He is exceedingly fond of fine stock, horses particularly, and raises many on his farm, but never indulges in the hazard of the race-course. In 1884 he again competed for high executive honors and was successful, being elected governor, by a very large majority, in the race of that year. In 1886 he had no opposition in democratic ranks, and was elected to succeed himself.

The limited space and scope of this work denies extended mention of the measures of administrative reform recommended and carried out by Governor Hughes. His policy has been wise and conservative, and is indorsed by the people. If he lives he will be a formidable competitor, in the near future, for a seat in the United States senate. As a speaker he is popular, attractive and forcible, and sometimes indulges in pleasant sallies of wit and humor.

WOLSEY RANDAL MARTIN, FORT SMITH.

In the middle of the sixteenth century, under the lead and power of the Romish Church, religious fanaticism reared its remorseless head against Protestantism in France, and fed the flames of desolation and extermination against the resolute Huguenot, until emancipation was proclaimed by the first Napoleon. These persecutions for two and a half centuries robbed France of much of her best blood. In 1724 Louis XV issued a severe edict against the Huguenots, which drove thousands to seek asylum in foreign lands, and amongst them Louis Mantaigne (a name illustrious in the history and literature of France for three centuries and more), who came to the western world, and sought and obtained asylum in South Carolina. From this ancestry in the paternal line young Martin is descended; from the maternal line he inherits Scotch-German blood. W. R. Martin, the subject of this sketch, was born at Tuscaloosa, Alabama, February 6, 1865. There is something phenomenal and interesting in the brief history of this, the youngest man accorded place in this work, and the simple historic facts are all we offer to ward off criticism, should there be those who like to indulge the weapon. His father, John M.

Martin of Tuscaloosa, Alabama, is an eminent lawyer, ex-professor of law in the University of Alabama, and was a member of the forty-ninth congress from Alabama; was fifteen years a member of the Alabama legislature, and was speaker of the senate. His mother, Lucy C., is the daughter of that eminent jurist, Judge E. W. Peck, who presided on the supreme bench of Alabama for twenty years, and then resigned the office because of the infirmities of age. His paternal grandfather, Joshua L. Martin, was governor of Alabama, and declined to become a candidate for a second term, that he might accept a nomination for congress, to which he was elected, and died from sunstroke, before the expiration of his term, quite a young man.

His accomplished mother took charge of his early education, and at the age of fourteen he was fully prepared to enter the State university. But the laws of that seat of learning did not admit of matriculation until the candidate for university honors was eighteen years old. To meet the necessities of this special case the regents of the university, after thorough examination, repealed the statute, and made an exception, for exceptional reasons, to the general law, in favor of the young candidate. He remained at the university four years, and graduated with distinguished honors in 1882, receiving the degree of bachelor of arts. Without spending any time in recreations, immediately after graduation he repaired to the University of Virginia, and attended a course of law lectures, that year, under that celebrated jurist, John B. Minor. In 1883 he entered the law department of the University of Alabama, and by extra exertion graduated in one instead of two years, and received the degree of bachelor of laws. After graduating in the law department of the university, he applied to Justice Stewart, of the supreme court, for license to practice law, and was examined and pronounced qualified by that jurist, but he was then only nineteen years old, and minority presented the only disqualification. Judge Stewart's sympathies were moved for the young man, and of his own motion he prepared a petition to the legislature of Alabama, then in session, representing the facts, and asking the passage of a law removing the disabilities of the young man, and the act was passed. In-

mediately after the removal of his disabilities, his father gave him his inheritance and took him into partnership, but, after the father's election to congress, the son removed, in the fall of 1885, to Fort Smith, Arkansas, and has settled with us permanently. I have always had a passion for brilliant, worthy young men, and in more than thirty years' experience at the bar have not knowingly wounded the sensibilities of one. These little kindnesses to young men have often brought rich rewards in the shape of retainers, to aid them in matters of moment, where they needed assistance.

A passion for young men made Alexander H. Stephens the strongest man Georgia ever honored; he spent much of his time in his younger days with them at Milledgeville and other seats of learning in the State, and made all of them his staunch friends. Since writing the last sentence, I see the vulnerable opening to a "Parthian arrow;" but let the wit indulge and enjoy himself. The history and habits of the young man augur a brilliant future, and his talents justify the hope.

A. H. GARLAND.

The career of this remarkable man challenges more than superficial inspection. In many respects his character differs widely from that of all other celebrities in our local history, and marks him with an individuality without parallel in Arkansas politics. The masses of the people have been artfully led to regard him as wise and great, without ever scrutinizing the agencies employed to support and blaze the way to his rapid and almost uninterrupted promotion. The masses, if competent, have never attempted an analysis of the elements which go to make up the result denominated great in this distinguished citizen. In some things he is the wisest and greatest man Arkansas has ever put on her roll of promotion; but to appreciate and understand him correctly and justly, this concession must be taken with proper limitation and discriminating qualification. It is not fair to view that character in the light of recent electric events which have startled the nation, without going back to the commencement of his public career, and shielding it with all the wise and beneficent presumptions of the common law.



HON. A. H. GARLAND.

A. H. Garland was born in Tipton county, Tennessee, June 11, 1832. In 1833 his parents moved to Arkansas, where his father died during the son's early minority. His mother married the amiable and cultured Judge Francis Hubbard of Hempstead county, who proved himself the warm friend and able adviser of his foster children, whom he educated at Bardstown, Kentucky.

The future senator read law and was admitted to the bar in 1853, and commenced his professional career in Hempstead county, where three years of anxious probation, in the quiet village of Washington, did not produce satisfactory results, and he began to cast a prospecting eye over other fields for better fruitage. Perhaps no man of his age was a better judge of where to throw a line or cast anchor. Nature at an early age gave him the key to man's foibles and weaknesses, and made him a consummate diplomat in winning the confidence and favors of men, to foster the rapid growth of his own distinct individuality, as he cautiously laid plans and followed them up, to the realization of his ambition, step by step. Without producing friction or exciting resolute antagonism, in time he became the Richelieu and the Talleyrand of Arkansas politics. At the budding season of his remarkable career, one of those fortuitous circumstances, which sometimes rise up in the pathway of men, came to him in the extended fame, the large accumulation of professional business, and the declining years of Ebenezer Cummins. He saw the great advantages which would accrue from an association with him in business, and lost no time in fixing the relation of partner with that eminent lawyer, who died in March, 1857, leaving Mr. Garland, in less than one year from date of partnership, heir to his large and profitable business. This valuable inheritance of professional business was husbanded and utilized to its full capacity. Some of these inherited cases went to the supreme court of the United States, and became the foundation of *Ex parte Garland*, reported in 4 Wallace, which extended his fame beyond the confines of Arkansas. This case is known as the test-oath case, decided by a divided court and a majority of one in favor of Mr. Garland. His argument in that case displayed much research and ability. He was an old-line whig,

with flexible, politic and accommodating basis, until that party survived its usefulness and was shelved with the relics of the past.

Whilst the Union sentiment was popular and in the ascendancy he was regarded as vehemently inclined in that direction, and, as such, was elected from Pulaski county to the State convention of 1861, which pronounced the divorce of the State from the Union, sanctioned by his vote. Intensely Union in sentiment, he was foremost with the first to seek and obtain Confederate honors at the hands of the convention, which delegated him to the provisional congress of the Confederate States, then sitting at Montgomery. There was nothing wrong or to condemn in all this, perhaps, but it aptly illustrates and displays that wonderful versatility of talent and accommodating sentiment which has furnished the major part of Garland's greatness through life, both in and out of public place. At the general election of 1862 he was returned to the Confederate congress at Richmond, and was again elected to that body in 1864, but resigned soon after, to accept a seat in the Confederate senate, made vacant by the death of Hon. Charles B. Mitchel. In 1866 he was elected to the senate of the United States, but was denied admission, in common with others, during the reconstruction period. He practiced his profession from 1865 until called to the executive chair, after the adoption of the constitution of 1874. Governor Garland was inaugurated in January, 1875, and his administration at home was popular, but not for any intrinsic merit, forecast or statesmanship displayed by him. It was the dawn of day after a long and distressing night.

The yoke of political bondage was broken during Governor Baxter's administration, aided by democracy and the conservative element of the republican party in congress. Aided by these elements, Governor Baxter put down the political banditti headed by Clayton, Dorsey, Brooks and the then chief justice of the State, John McClure. Judge Wilshire, a conservative republican, then in congress from Arkansas, deserves the lasting gratitude of the people for his noble exertion in driving the parasites from power, and restoring the people to their inheritance.

The superficial observer of current events gave Mr. Garland

the lion's share of credit and official honors for these great and important achievements, when, in fact, hundreds of citizens contributed more and risked more than he did to bring about the result. The polished art of political as well as financial boombing has become one of the industries of the age, well understood by Mr. Garland and practiced in his interest. The entire capital invested in this art is industriously husbanded in the vaults of delusion, but it is now time the important events of that decade assume their proper relation to history, freed from the political coloring which characterize the pretender and the partisan. Whilst the conflict known as the Brooks-Baxter war was in progress, and for sometime after its culmination, Baxter was the natural hero of the hour, and the people felt magnanimous and generous for the immense relief he had been so instrumental in bringing about, in the restoration of their liberties. To check this tide, divert and ride it in another direction, and reap the official fruitage it bore on its bosom, required first-class diplomacy. It required the secret hand of a Talleyrand behind the scenes and the dexterity of Richelieu to influence Baxter to become his own patriotic political executioner — to become the passive instrument in the hands of others, instead of remaining the proud master of the situation, which he undoubtedly was, but without the ken to foresee where the complications which surrounded him would ultimate. He was firmly seated in the saddle until January, 1877, if he chose to maintain his position, but he voluntarily gave up to the people two years of his term as governor, feeling well founded in the belief that they would appreciate and reward him for the personal sacrifice, and they did tender him the nomination for governor when the democracy assembled in convention, after the adoption of the new constitution of 1874. He declined it with an eye on the senatorial prize, which was to be disposed of in January, 1877, and the people crowned Garland governor, the highest prize then in the gift of the successful revolutionists. Baxter's faith in the spasmodic gratitude of republics was not justified; there was an ambition equal to his to gratify, with unrivaled facilities to judge of the public vulse, and to catch every prize that floated on its tide.

In the mean time the Baxter tide was ebbing away and the

Garland boom was borne on an upward swell. All the agencies for manufacturing popularity were industriously applied, and the electric motor was pressed into service to carry the declaration abroad, that Mr. Garland was a "great constitutional lawyer," as though it requires any greater depth and scope of talent to understand a constitutional provision, than a simple statute. When the election of senator came on in 1877, Baxter drank deep the waters of disappointment, and found little consolation in the conviction that promises, express or implied, when they stand in the way of ambition, are but feeble barriers. Mr. Garland was elected to succeed Clayton, in the senate, who it was a great relief to retire from the political trusts he had usurped and shamelessly abused. In 1883 he was again elected to the senate without opposition, the republicans, by artful manipulation, joining in to swell the triumphant tide. The popular heart was played on with the hand of a master, and wrought up to a degree of hero-worship, a republican solo was chanted as the chorus to a democratic ditty, and the electric lute responded to both keys, as the basis of an exaggerated influence in the senate, which ultimately found expression through channels detrimental to the public service. It is due to history, in this connection, to analyze the most wonderful of our native growth in politics. In his knowledge of men, and the best methods to manipulate them in his own interest, he has never had an equal in the State. His head is absolute master of his tongue, the passions, and every emotional manifestation. In this, for the latitude of Arkansas, he is supremely great. The glaciers of Switzerland are as fruitful of gratitude for past favors. He never expresses an opinion on any question of public moment whilst the mind of the masses on that topic is undergoing formation, but he watches the incubation with unerring sagacity, and when it is sufficiently mature, he is too, and is always with the people.

He ascends the political watch-tower and discovers the ebbs and tides and currents of public opinion with unrivaled sagacity. In politics he is an agnostic in the broadest sense of the term, and expresses no convictions until first satisfied that he is but echoing the popular heart. This characteristic in the life of the distinguished senator comes to the surface all along the line of

his public life, from the time he voted to refer the question of secession in 1861 to the people, until his expiring hours in the senate of the United States. This profound agnosticism, this intensely selfish political forecast was eminently illustrated in the senate during the expiring hours of President Arthur's administration, when the Sherman-Davis resolutions were under consideration. The republican side of the senate was hurling thunderbolts at President Davis in an effort to divert attention from General Sherman's unsupported assertions for truth, and to saddle all the responsibility for the civil war on Mr. Davis. Lamar and Garland sat there whilst the republican lash was being cracked over their persons, both prospective members of Mr. Cleveland's incoming administration; and to repel the attack, in the strong but noble and dignified manner it deserved, might endanger their reaching that round of ambition. But such a consideration found no support in the lofty nature of Lamar, who stood up like Ajax in the senate, assumed his full share of responsibility attaching to the civil war, and hurled back the republican javelin into the camp from whence it came. Mr. Garland had voted for secession in 1861, was a member of the Confederate congress from May, 1861, until its expiring hour, had voted hundreds of millions of money in aid of the rebellion when it was popular and in progress, but now, from profound considerations of policy, devoted to selfish considerations, was dumb as a mummy beneath the Pyramids, when his fallen chief and the legions of heroes who supported him in the world's greatest revolution, and the people who gave him every office in their gift and made him all he is, were being bitterly assailed.

The noble survivors and descendants of the forty regiments and battalions Mr. Garland had voted to equip and send to the field from Arkansas at that supreme hour, had a vast interest in their representative in the senate, to defend them for acting a chivalrous part at his instance, in the world's greatest drama, but his tongue sought refuge in the waters of Lethe. Moral cowardice is sometimes mistaken for moral heroism—but the two principles cannot animate the same mind nor flourish on parallel lines. The sagacity of the political trimmer, who falls to windward at dangerous junctures, must not be mistaken for the wisdom of a statesman, whose highest and

noblest province it is to mould and lead, and not to trot after public opinion, like the poodle after its patronizing mistress. During the senatorial career of Mr. Garland he stood higher in the estimation of northern republicans than any man on the democratic side of the senate. This popularity arose from two causes: *first*, his non-combativeness, misnamed conservatism when applied to those political junctures demanding positive and aggressive action, rather than the negation of silence; *secondly*, it was the homage always paid to talents independent of the associations with which connected; that he is a fine lawyer, all competent to judge admit; but his talent in this direction has been over-estimated. In other words, his unrivaled command of tongue and temper enabled him to sit in the senate like a penitent at a baptizing, when politicians on the floor were working their batteries of sectional prejudice against the south. President Cleveland made him his attorney-general, and the appointment was hailed with satisfaction north and south, and was particularly gratifying to the pride of Arkansas; he was the first cabinet minister our State ever had, and his fame was nursed as its heritage. Up to that time no political cyclone had swept across his brilliant career since the affair at Appomattox sealed his commission as a Confederate States senator, but triumph, without the watchful stimulus of opposition, the plaudits of the multitude, the easy ascent to great elevation, crowned with gilded success in a golden age, at an unguarded hour overshadowed his proverbial caution, and led him to stake his fame as the banking capital of a moneyless corporation flaunting five millions of fictitious capital at its mast-head.

He loaned his good name as an expectant factor to float this huge mass of electric and speculative fiction in the moneyed centers of the country. The methods employed to attain the ends in view was gravely questioned by the national legislature, and on the 26th of February, 1886, the house adopted the following preamble and resolution:

“WHEREAS, Grave charges have been made, and are constantly being made, by the leading press of the country, reflecting upon the integrity and official action of certain officers of the government. Therefore, be it

"*Resolved*, That a select committee, consisting of nine members of this house, be appointed, and, when so appointed, said committee is hereby directed, at as early a day as possible, to make inquiry into any expenditures upon the part of the government, incurred relative to the rights of the Bell and Pan-Electric Telephone Companies to priority of patents, said inquiry to include all organizations and companies which have sprung from the Pan-Electric Telephone Company, or for any other purpose ; and also to make full inquiry into the issuance of stock known as the Pan-Electric telephone stock, or any stock of any other company, companies or organization springing out of the Pan-Electric Telephone Company, to any person or persons connected, at the time of such issuance, with either the legislative, judicial or executive departments of the government of the United States, to whom, when, where and in what amounts, and for what consideration in money, service or influence, said stock, if any, was delivered." * * *

To briefly explain : Doctor J. W. Rogers, in February, 1883, formed the Pan-Electric Telephone Company, based on a patent obtained by his son, J. Harris Rogers, as the inventor of an instrument to transmit sound by electricity, which is claimed to be a palpable infringement on a prior patent to Bell, which is the property of and is used by the Bell Telephone Company, a corporation worth many millions of money. The first parties to the Pan-Electric were Senators Garland and Harris, Representatives Young and Atkins, and General Joseph E. Johnston, whom Doctor Rogers calls "Pan-Electric statesmen."

Doctor Rogers issued \$5,000,000 of paper stock, without any cash foundation, and gave each of the statesmen named \$500,000 in stock, without any money consideration, and to other parties he gave sums varying in amount, aggregating out of the original block of stock, \$3,500,000 in *gifts*. The Pan-Electric Telephone Company was the fruitful mother of subsidiary corporations. The banking capital of the statesmen not having been exhausted by the first *take*, they each absorbed \$500,000 more, "for the use of their names." A branch company, located at Mauch Chunk, Pennsylvania, with \$5,000,000 of paper stock, like the others, found unus-

pecting patrons. Colonel R. F. Looney of Memphis exchanged a portion of his unrivaled genius for a block of \$860,000 of stock. But let these gentlemen speak for themselves; they were before the congressional committee, and their statements in their own behalf are of record, from which we copy the following extracts:

Mr. Garland states, that "it was simply an association of five or six very impecunious men, who wanted to better their condition." Yes!

Mr. Rogers testifies: "The object of the thing was, as I have stated, to bank on their names and general reputation, and upon my son's genius." And at page 41 he says: "We wanted that class of men, otherwise we could not sell the stock."

To the interrogatory: "Did Mr. Looney pay you any money for his interest?" Ans. "No, sir; it was Mr. Looney's genius that I banked on, as I banked on those other gentlemen's names." YES.

"In proportion to the amount of political or moral influence that stockholders have, will they give value to the stock, and that was the thing I was aiming at." "They all paid in the same way." He gave Hon. H. D. Money, M. C., \$60,000 stock in two of the companies, and says, page 55: "He paid me just as those other gentlemen in the senate paid me, by letting me use his name."

Some effort was made by Doctor Rogers and son to enlist other members of congress. Mr. Garland gave them the following letter of introduction:

UNITED STATES SENATE, *January 18, 1884.*

DEAR SIRS AND FRIENDS — Permit me to introduce to you, Messrs. J. W. Rogers & Son, accomplished and scientific gentlemen, of this city, who desire to speak with you *on some business*. Please show them all proper attention, and command me when you will.

Your friend,

A. H. GARLAND.

Hons. S. S. COX and A. S. HEWITT.

From Mr. Garland's testimony, it appears that this letter was given to influence the selection of young Rogers as electrician for the capitol, and to aid in putting the Pan-Electric tele-

phone in the capitol to promote the private interest of the company. But the sequel don't show that it was designed or limited to this mild way of putting it. Doctor Rogers had further designs on these gentlemen, as well as other members of congress, which are shadowed in the following letters to him, returning blocks of Pan-Electric stock he had offered to give them.

HOUSE OF REPRESENTATIVE, WASHINGTON, D. C., }
January 13, 1884. }

DEAR MR. ROGERS — Presuming on what you have already written me, and not having received your poem, and not understanding the nature of the shares which you send me, I am bothered, and can only solve the problem by sending you back the shares, which I inclose herein. I don't suppose they are good for any thing, or you would not be sending them around so fluently.

Yours with respect,
 S. S. Cox.

Lewis Beach, a member of congress, returned on the 11th of January, 1884, one hundred shares of Postal Telegraph stock, sent to him as a *gift* by Doctor Rogers, with this explanation: "I cannot accept any thing for which I have not paid, and I most assuredly would not hold stock in a corporation which is seeking legislation of a body of which I am a member." Mr. Randall of Pennsylvania, and Mr. Carlisle of Kentucky, were each offered a block of \$100,000 stock, for "*such occasional services as you may find convenient to render,*" and each declined the gratuity. Before the collapse came, \$34,000 worth of local rights were sold, and the remainder, after deducting expenses, was divided as dividends between Mr. Garland and associates. The Pan-Electric Company stated, in a widely circulated pamphlet, "it is confidently predicted that the stock will ultimately go greatly above par."

Mr. Garland, as a stockholder and the great law officer of the Pan-Electric Company, charged with a knowledge of all the law and facts necessary to its *existence* and *honest dealing*, is gravely charged with the suppression of both, by the

minority (four to five), coupled with vehement presumptions, based on known facts, legitimating the conclusion, and nothing but ignorance of both law and fact, based on neglect of the high duties he owed the company, can mitigate or extenuate the gravity of the charge. As to the palpable infringement of the Pan-Electric on the Bell Telephone Company spoken of, and so strongly insisted on as involving every element of vitality necessary to the existence of the Pan-Electric, Mr. Garland gave the following deliberate opinion to Mr. Myers of Memphis, who, as a capitalist, was making inquiry, with a view to investing in Pan-Electric stock.

WASHINGTON, D. C., *Jan. 5, 1884.*

DEAR SIR — In reply to your question propounded in the note hereto attached, I beg to say that I have given the subject referred to *much attention* (italic author's), and have *closely examined* several opinions delivered by different courts in controversies between the Bell Telephone Company and Dolbear, Spencer, Ghegan and others, and I am clearly of opinion that the Pan-Electric, named by you, in nowise infringes the Bell telephone."

Mr. Garland, on the witness stand before the investigating committee, states: "*I stated, at the time I wrote that, that they had better employ what we call an expert lawyer in those matters, and have him examine and report upon it. My impression is they did employ Mr. Marble. I was unwilling that they should take my opinion on a matter of that kind and act upon it. I had never had a patent case before.*" If you told the Pan-Electric stockholders this, Mr. Garland, why did you not deal equally as frankly with Mr. Myers, that he might, on your advice, guard his purse, as that was his sole object in consulting you? You tell your company one thing, and impress Mr. Myers with altogether different convictions as to the same thing, if he accorded your opinion the conclusion its language imports.

Mr. Marble, the expert alluded to by Mr. Garland, on the 24th of February, 1884, gave the Pan-Electric his opinion, in writing, as to the infringement alluded to. "Infringements are of two classes, generic and specific. The device covered by the Rogers patent is a speaking telephone, by which articulate

sounds are transmitted electrically by means of an undulating current of electricity." *The principle or method on which the instrument operates is covered broadly by the patent of Mr. Bell.* (Italics the author's,) "So long, therefore, as that patent is sustained by the courts, the invention of Mr. Rogers will be subordinate thereto." Is it within the range of respectable probability to conclude that the great law officer of the corporation did not *know* this opinion had been given, and that it was pigeon-holed, and kept from making the circuit of the vast regions where his opinions to the contrary had been industriously circulated? He tells the committee in effect that the opinion of an expert is worth much more than his own, and that he had advised the Pan-Electric adventurers not to rely on his opinion. All rational acts have fixed designs as their ultimate. The worthless opinion of the great lawyer, upheld and sustained as it was by the high character for integrity and great legal attainments, at that time accorded Mr. Garland by the people of the United States, was artfully designed and well calculated to mislead the public and float the huge mass of five millions of worthless stock. But the expert, wise and sound opinion of Mr. Marble was calculated to consign it to the bottom of the financial ocean, where the gentle hand of resurrection could never reach it, until after the great obstacle mentioned by Mr. Marble was removed.

These luminous facts, brought to light by a congressional committee, throw a resistless flood of light on the dark background, and enable us to take in a panoramic view of the Pan-Electric comedy. Common honesty and fair dealing would have dictated a halt in the industrious effort of the "Pan-Electric statesmen" to flood the market with the stock of the company until the substance of legal foundation supplanted the fraudulent and delusive shadow on which it rested. But there was no halt in their vigilant effort to get rid of the stock; to the accomplishment of which, high official position was resorted to, for the purpose of enabling them to subordinate the courts of the United States in this effort to levy and enforce tribute from the Bell Telephone Company. No artful, no specious disguise can retire this fact from the sight of a man of common capacity. That sterling old democratic sena-

tor from Missouri, George G. Vest, appeared before the congressional committee and stated, that in June, 1884, he purchased a block of Pan-Electric stock, amounting to one hundred shares, for \$1,000, which he paid to Isham G. Harris, a senator from Tennessee (one of Doctor Rogers' Pan-Electric statesmen); that, before he purchased it, he personally inquired of Senators Harris and Garland as to whether there was any conflict between the Rogers patent and the Bell telephone, and that they assured him they were certain there was no conflict—that Senator Garland told him he had given a written opinion to that effect; and that neither Garland or Harris told him any thing about Marble's opinion to the contrary.

This opinion of Marble's was rendered about four months before the transaction which took in the \$1,000 from Senator Vest. In the spring of 1885, Doctor Adams, another expert, advised the Pan-Electric people that the Rogers patent unquestionably infringed on the Bell patent. From all the voluminous record of the investigation discloses, it appears that the Pan-Electric gentlemen were unable to get the opinion of anybody but their co-stockholder, Garland, to the effect that their patent was not a palpable fraud on the Bell patent. Casey Young, another one of the Pan-Electric statesmen, who "got in on the ground floor" of the Pan-Electric enterprise, as early as August, 1883, seemed to be impressed with the conviction that the Rogers patent is an infringement on the Bell patent. On August 21 of that year he wrote to Doctor Rogers, the father of Harry, the inventor, as follows: "If Harry can, by any possibility, invent any kind of a telephone system that will not be a palpable infringement of any existing patent, we can start in on a small scale and dictate terms to Gould." Much harsh criticism, founded on *facts* and *vehement presumptions* which have never been satisfactorily explained, has been indulged, both in and out of congress, and within, as well as without, democratic circles, because the name and power of the United States was *improperly lent by the department of justice* to the Pan-Electric adventurers for improper purposes, whilst Mr. Garland was at the head of that department. And the evasions resorted to by him and his friends to ward off the culpability attached to that act is regarded as unworthy the high station from which it proceeds.

The record of the investigation discloses the fact that the power of the United States, inherent in her courts, was invoked to aid in the accomplishment of questionable private ends in forcing the wealthy Bell Telephone Company to share its great pecuniary resources with the Pan-Electric people under the thin guise of a *compromise*. Prior to this, abortive efforts to compromise with the incorrigible Bell Company had been made by the Pan-Electric people. In several instances injunctions had been granted, at the suit of the latter against the former, and the situation was becoming alarming and desperate, and what the physicians denominate heroic remedies were required to prevent congestion and paralysis in body, and all the branches of the Pan-Electric industry. Another application for the iron lance of an injunction at the suit of the Bell Company was pending in Baltimore, and had been set down for hearing on the 15th of September, 1885. Mr. Garland, as the head of the department of justice, because of his great personal interest in the matter, had refused to grant or act on the application of his company for leave to sue in the name of the United States, but *this obstacle was easy to overcome*. The attorney-general went to Hominy Hill to enjoy his vacation in the fall, and John Goode, his solicitor-general during his ominous vacation, became *ex-officio* head of the department, clothed with the necessary official power to protect the half million of stock owned by his chief in the desperate Pan-Electric, and he issued the executive ukase, lending the name of the United States to that end. But Mr. Goode, although he acted in precipitate and alarming haste in the very urgent matter, without taking time to investigate the great interests and legal principles involved, told the committee he *did not know his chief was interested in the Pan-Electric*.

Perhaps he merely meant the information did not come to him through *red-tape* official channels. If he did not *know it*, his act and the fact of his chief's interest were singular coincidences, and to believe him requires a great stretch of simple credulity, which ought to be forever banished from farther invasion of high official station. To believe in the rectitude of these methods and the truth of the asseverations of parties laboring to escape the odium of official turpitude, would be to

embrace improbabilities as the strongest ground of support. Mr. Goode went farther in the manifestation of zeal to serve the *pressing demands of the corporation*, flaunting fictitious millions at its mast-head. He appointed Mr. Casey Young (who held a block of stock equal to that of Mr. Garland) as special counsel to represent the United States in prosecuting the Bell Telephone Company in the interest of the Pan-Electric jobbers. Doctor Rogers and his son, Harry, both state to the committee, that Casey Young told them it was understood with Mr. Garland that the matter would take this course, and, in the light of subsequent events, they are powerfully corroborated, and are entitled to belief as against the uncorroborated denials of those who are fencing to shield their names from odium and exposure. General Joseph E. Johnson, the president of the Pan-Electric Company, in his own graphic language, tells the painful story (like the plain, old, honest soldier) of the great pressure then bearing down, like an avalanche, on the company. He says: "The Baltimore case came on for hearing on the 15th of September. I could get nothing about the government suit. I was *forced to the defense of the Baltimore hearing, and the government suit, as a matter of course, would be a prodigious relief to us, and, therefore, I was naturally very anxious to have it brought.* (Italics the author's.) My time got down so close I had to communicate by telegraph. I believe I got assurance, in the early part of September, that the bill was being filed. My pressure was for the bill to be filed as soon as possible, so I could get a certified copy of it, to use in Baltimore; I got it the morning of the 15th of September, as I went into court, so I barely had time to read it before I went into court. I had no doubt if the United States intervened, it would probably prevent the court from granting a preliminary injunction. You perceive that a preliminary injunction would come down on me with only fifteen days' notice, and shut up my business; and my belief was, that if I could get a copy of that bill in the government suit at Memphis, I could stop the issue of the preliminary injunction in my case at Baltimore." Honest old soldier with no subtilty to hide well-formed designs; he had no idea, at the time he poured this distressing story in the ears of the committee, of the number of cats he

was turning loose in the Pan-Electric parlors. The court at Baltimore paid no attention to the government suit at Memphis, and granted the *deathly injunction*.

On the 3d of August, 1885, Colonel Looney of Memphis, who had exchanged some of his genius for \$860,000 of stock, and who was engaged in active efforts to shove it on the market as fast as possible, at a fabulous discount, writes to Doctor Rogers as follows: "*Harris, I think, will make another effort to sell to the Bell Company.*" On the 7th of September, Mr. Young wrote Harry Rogers: "*We have secured all we expected or wished, and we will soon proceed to utilize, but nothing must be said about it for a little while yet.*" (Italics the author's.) On the 11th of September, 1885, the renowned Colonel R. F. Looney wrote to Doctor Rogers: "*Your letter received. I am making a desperate effort to sell some stock, but have failed up to this moment, but will still continue my efforts. The last bill filed against the Bell Company, with the approval and consent of the department of justice, will certainly wake up and startle the Bell people. It is a regular cyclone, but too late, I fear, to do much good.*" (Italics the author's.) Prophetic Robert! The cyclone struck and sundered the Pan-Electric ship. When the attorney-general returned from his vacation to Washington, in the fall of 1885, the president called on his cabinet minister for an explanation, which he gave, ostensibly to his satisfaction, but the facts developed by the congressional investigation since do not satisfy the American people. But the president caused the suit brought at Memphis against the Bell Company to be dismissed in October, 1885. The report signed by the partisan majority of five to four vindicates the gentlemen under fire with a distinct avowal as to the limit and scope of inquiry as follows: "*We do not consider that we have any right or power to make any finding upon any matter not in some way connected with the official acts or behavior of the several gentlemen named. We do not mean to intimate that there was any thing in their private conduct which was even of doubtful propriety.*" A heavy coat of political whitewash, thrown over a cabinet minister by a *partisan vote*, in the face of this testimony, will have, and deserves little consideration in making up the verdict of the American

people. The minority report, signed by four members, gravely censures the gentlemen under investigation, and they state the *proof on which their convictions are founded*. A heavy coat of *whitewash* is the *last resort* of questioned integrity; and if applied to St. Paul would ruin him.

BLAKELY DECATUR TURNER, LITTLE ROCK.

Blakely Decatur Turner was born in North Carolina, January 26, 1824. His parents removed to Haywood county, west Tennessee, in 1829, where he grew up, and was prepared at the schools of the county to enter college. He acquired a thorough academical education at Granville College, Ohio. After leaving college he taught school several years at the male academy in Brownsville, Tennessee. He read the best law writers at intervals, when not engaged in other pursuits, and was admitted to the bar in west Tennessee in 1853. He practiced two years at Brownsville, Haywood county, and in the fall of 1855 located at Searcy, White county, Arkansas, where he remained until he accepted the office of reporter of the supreme court decisions, in 1879, when he moved to Little Rock. Brother Turner has always ranked high as a lawyer, and has always sustained the enviable reputation of being a man of unquestioned probity and the purest morals. He was never a candidate for office in his life, and would not now be our reporter but for an unfortunate impediment to his speech, the result of disease in the vocal organs, which impairs his efficiency in the *nisi prius* courts. He belongs to an old colonial family of good repute, and is related to ex-Governor Branch of North Carolina.

HON. CHARLES A. LEWERS, LOGAN COUNTY.

Hon. Charles A. Lewers was born on his father's farm in Panola county, Mississippi, January 3, 1855, and was raised and labored on the farm until he was seventeen years old. He was educated in the English branches at the common schools of the country, and never took an academic or collegiate course. He read law at Senatobia, Mississippi, for two years under the direction of a firm of competent attorneys, and was there admitted to the bar in the fall of 1876, and practiced his profes-

sion at Senatobia until the spring of 1879, when he moved to Paris, Logan county, Arkansas, where he has since remained in the active practice of his profession. In 1884 he was nominated by the democratic party to the office of prosecuting attorney for the twelfth judicial district, composed of the counties of Sebastian, Crawford, Scott and Logan, and was elected to the responsible office by a very large majority. In 1886 the democratic party nominated him again, and he was elected by more than two thousand majority. Mr. Lewers' ancestors emigrated from Ireland in the latter part of the eighteenth century, and settled in South Carolina, and to him they have imparted all the warm, generous and sanguine impulses characteristic of the Celtic race. His paternal grandfather, Samuel A. Lewers, was an eminent Presbyterian divine, was a soldier under General Jackson in the war of 1812, and participated in the battle of the 8th of January, 1815. He is a vigilant prosecutor, a good, companionable friend, and has a kind word for all. Everybody likes to shake Charley's hand.

HON. U. M. ROSE, LITTLE ROCK.

Judge Rose was born in Marion county, Kentucky, March 5, 1834, and was left an orphan at the age of thirteen. His father was an eminent physician and left a handsome estate, but it was absorbed by incumbrances and the emasculating machinery of a probate court, leaving the young man uneducated and nothing but the vigor of his native mind and energies with which to commence the battle of life at that early age. The superficial world judges such conjunction of stern facts in early youth as great misfortune, but blessings in this life often come in disguise. To the robust and vigorous youth, poverty and ambition are noble and powerful stimulants, and almost certain guides and passports up the rugged mountain. If Judge Rose inherited poverty, he also inherited an honorable ambition — its noble master. A way beyond the clouds which cut off superficial vision, we read in "the bright lexicon of his youth" high and honorable ambition, worth more to a well-balanced and organized mind than all the banks in the world. To such foundations as these, and with such ambition, poverty in youth is a gentle handmaid, and a powerful factor for

good all along the line of coming years. When it comes in company with the higher virtues, we bless and love and honor in our hearts the noble youth who wears its humble raiment, far more than the purple and gold that gild a throne. Poverty in a democracy like ours never excommunicates noble youth from the acquisition of honest fame. The knowledge that no extraneous aid will come to his relief is, within itself, a powerful incentive, a momentum which sends the pendulum forever forward in the career of gifted, aspiring youth. All of these stimulants focalized in the early boyhood of Judge Rose and made him a man before his time. He rapidly acquired a good practical education in the English branches, but had no time to invoke the dead languages, nor to halt in Greece and Rome to cultivate the classics. But in later years, when the claims that pressed on his attention in youth no longer exist, he occasionally breaks away from the demands of professional life and takes a stroll with the lyric muses in the fabled precincts of Parnassus, not to create, but to enjoy, the feasts spread before him.

In this connection the judge facetiously writes of himself : "Under these circumstances I secured but an indifferent education which laid the enduring foundation of that solid, varied and profound ignorance that I have so often displayed in later life, under circumstances that frequently excited the warmest admiration of myself and of others."

Judge Rose began the study of his profession, at a very early age, in the office of an eminent local lawyer in Lebanon, Kentucky—R. H. Roundtree—whose memory he treasures with the warmest gratitude for disinterested kindness extended in his youth. From the office of his friend he went to Transylvania Law School at Lexington, Kentucky, where he graduated in 1853. The court of appeals in that State examined him and spread his name on the roster as a member of the guild. He carried this judgment of the court of appeals to the supreme court of Arkansas in 1853, where it was examined and affirmed, after due consideration, there being no error apparent on the face of either the record or applicant. He settled, with his newly-married bride, in Batesville, where he commenced his honorable and useful career, rapidly advancing to the higher



U. M. ROSE.

stations, winning golden opinions from all as he advanced and became better known, fortified with moral worth and spotless integrity. Governor Elias N. Conway, on the 2d of July, 1860, appointed him chancellor, and he held that position until the war ended and the reconstruction period demanded the office for converts to the republican school. He discharged the trust imposed by this office with untiring research, learning and ability of high order. In the mean time he compiled Rose's Digest of the reported cases from the first to twenty-third Arkansas, inclusive, which, in its day, was a very valuable addition to the useful literature of the profession.

Judge Rose has often been mentioned in connection with the office of senator in congress, but no consideration has ever seduced or influenced him to step aside for office since he stepped down from the wool-sack. No gentleman at the bar surpasses him in the thorough preparation of his cases, and herein lies one of the strong elements of success which has always characterized his labors at the bar. He has always been esteemed, not only for his acknowledged ability as a lawyer in the front rank, but also for his spotless integrity and purity of life. He has embraced Europe in his travels to the east, and to the west has passed through the golden gate to the central isles of the Pacific, as a means of cultured recreation. One of the crowning fruitions of a well-spent life comes to him in the gift of two talented sons, now at the bar, who are climbing the hill in the footsteps of their honored sire.

HON. JOHN T. JONES, HELENA.

Judge John T. Jones was born in Essex county, Virginia, in October, 1813. His academic foundation was acquired at an institution of learning in King William county, Virginia, from which he went to the University of Virginia, where he was graduated in 1833, in literature, the classics, and law. He came to Arkansas in 1835, and located on a farm near Helena, where he has continuously resided ever since. Like Judge Sebastian, he conducted a large planting interest in connection with his profession. In December, 1842, he was elected by the legislature to succeed Judge Sebastian, as judge of the first circuit, a position he honored with signal success and satisfaction to

The first part of the book is devoted to a study of the historical development of the concept of the state. It begins with a discussion of the ancient Greek and Roman conceptions of the state, and then moves on to the medieval period. The author argues that the medieval conception of the state was based on the idea of a divine order, and that this led to the development of the modern state. The second part of the book is devoted to a study of the historical development of the concept of the individual. It begins with a discussion of the ancient Greek and Roman conceptions of the individual, and then moves on to the medieval period. The author argues that the medieval conception of the individual was based on the idea of a divine order, and that this led to the development of the modern individual.

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the public for ten years. The circuit was a very large one, and embraced a very sparsely-settled country, including Greene, Mississippi, Craighead, Poinsett, Cross, Crittenden, St. Francis, Monroe and Phillips counties. This circuit fronted more than three hundred miles on the Mississippi river. The first court in the circuit was held in Greene county, one hundred and seventy miles from Helena. He is a man of fine culture and attainments, has a wonderful fund of information, and an inexhaustible store of humor connected with early days in Arkansas. His life embraces a panoramic view of the olden time, and he is one of the best living specimens of "the fine old Arkansas gentleman." He looks on the sunny side of life, and keeps his feelings green and fresh toward his fellow men. In reply to the author's request for an account of circuit-riding and practice in the olden time, he gave the following humorous and entertaining account of

MY FIRST COURT.

"In the winter of 1842 my first court was held in Greene county. The weather was inclement and no one of the Helena bar was willing to undertake the trip. The State's attorney, W. F. Stanton, had an office at Marion, but really lived in Memphis. So I set out alone and reached the home of Colonel Mark W. Izard, about where Forrest City now stands, the first night, passing through old Mt. Vernon next morning. I hunted up in the woods the lawyer of that county, James Jackson, and asked him if he was going to attend the Greene court. He said he had not thought of it; but I could never find the way to that place, and, furthermore, there would be no lawyer there. I impressed on him the difficulty I would labor under in trying to hold court without a lawyer, and induced him to go with me. We made Walnut Camp that night, the home of Colonel Charles Nealy. The next day we faced a snow-storm of unusual severity for twenty miles, to a log cabin where Harrisburgh now stands. There, to my great satisfaction, we found Stanton, the State's attorney, who, with great difficulty, had crossed the swamp from Memphis, waiting in doubt and anxiety for the judge. In due time we arrived at Greenville and surprised the clerk, who plead innocence to any



HON. JOHN T. JONES.

knowledge of the appointed time for court. In response to inquiry for the sheriff, we were told he was twenty miles off at 'Uncle Peter's Still,' where he had been drunk the past two weeks. I directed the clerk to call in two mounted men to go for the sheriff; he responded promptly, and I instructed them to bring him in, drunk or sober. They reported with the sheriff early next morning, who seemed to be struggling hard to escape the fog 'Uncle Peter's' low wines had cast over his mental vision.

"To my rather peremptory inquiry, 'Sir, what have you done with the venire?' he responded: 'I have not had him; I don't know him. Is he an old or new comer to these parts? What do you *ax* me that for? Has he stole any thing or killed anybody, and what country did he jump?' To which I impatiently responded: 'Oh, my good fellow, you don't appear to understand me. Where is the grand jury?' And he replied: 'A, that's what you want, is it? Well, we don't need any in these parts, and I don't know how to get one if we did. Perhaps you can tell.' I had a venire issued and placed in his hands at once, with directions to bring in forty good men as soon as possible, to serve as grand and petit jurors. To this he presented formidable objections. It was in the dead of winter, and there were no accommodations for either court or jury, and no house in which to hold court. This difficulty was met and obviated by directions to cut down forest trees and build a huge log fire, with the trunks of trees placed around for seats. This injunction was obeyed, and the next day I opened court under these rude and primitive auspices in the wilderness. Early in the progress of the court, one of the attendants became disorderly—the effect of too much of 'Uncle Peter's' low wines—and was ordered to jail for contempt of court. Here another difficulty presented itself. There was no jail; but the court designated a tree near by as the jail for the term, and the offender was promptly tied to it, and the court progressed. It must not be taken for granted that Greene county has held her own since 1842; she has progressed with the times; and now boasts an intelligent and refined population, which compares favorably with any portion of Arkansas. In attendance on this court besides my very humorous traveling companions — James

Jackson and W. N. Stanton — were Pope, Porter, Patterson, and Fairchild from Batesville, all lawyers of ability, true men and most genial companions.

“A. R. Porter, then prosecuting attorney in the third circuit, went to the Mexican war in Governor Yell’s regiment of Arkansas cavalry, and met death at the head of his column, in a desperate charge at Buena Vista, on the 22d of February, 1847. Governor Yell fell in the same charge, a few minutes before Porter, pierced to death by Mexican lancers.

“James H. Patterson was a member of the leading firm of Byers & Patterson. Fairchild, then lately admitted to the bar, was, in 1855, appointed chancellor by Governor Elias N. Conway, and in 1860, associate justice of the supreme court. The leading lawyers of Little Rock then attended the most important courts throughout the State—Ashley, Fowler, William and Ebenezer Cummins, Ringo (after retiring from the supreme bench), Watkins (afterward chief justice), Curran, Pike, Trapnall and Cocke. Trapnall’s name brings to my mind an amusing incident of ‘long ago.’ I was sitting in his office one day, during the session of the legislature, when a member of that august body came in and said to Trapnall: ‘We have repealed that old common law.’ To which Trapnall replied: ‘The h—! you have; you had much better have repealed the statutes.’ Upon inquiry he found such a measure had actually passed one of the houses, and the mischief was made known and stopped. But I have got out of my circuit. Monroe county, like Greene, had no court-house when I first went on the bench. At the invitation of Squire Dyer court was held in one room of his private residence, which served also for sleeping quarters at night. ‘Jim Jackson,’ the lawyer of St. Francis county, was chiefly noted for his humor and kind nature. Ebenezer Cummins of Little Rock arrived the second day, and was too late to enter into competition for lodgings. He was absorbed until a late hour in the examination of papers, and preparation of pleadings, before he thought of procuring a bed. When this necessity occurred to him he laid his pen down, counted the beds and tenants for them, and suggested the necessity for some provision in this direction; then ‘Jim Jackson assured him that he would be happy to share his bed

with him.' This relieved Cummins, and he proceeded with the work before him for an hour longer; after finishing his work he proposed to retire, and asked Jackson which bed he must occupy, and was told, 'our bed is out in the horse trough; I am ready to go.' The next night a case was argued to the jury, and submitted about twelve o'clock; there was no room for the jury to retire to, and the lawyers had to vacate whilst they considered of their verdict, thinking the jury would soon determine on a verdict and let them in, so they could go to bed. The night was very cold, the attorneys in about thirty minutes knocked at the door for their overcoats, and an hour later they knocked for their blankets (an article every lawyer in those days carried around the circuit), and after waiting in the cold a long time to be called in by the jury, they retired to the corn crib, and were not molested until sunrise. The jury, as expected, soon agreed on a verdict, but would not announce it until they had comfortably slept on it."

This interesting letter is a good index to the kind heart and warm nature of Judge Jones; he always turns the sunny side and agreeable phases of life to his fellow man. How much better the world would be if we could all follow his example. In this connection, it is due to him to say the letter was not designed for publication; that he added a special prohibitory injunction in these words: "Not a line of this is intended for publication." To which I replied, that I did not intend to be made the involuntary instrument in violating the spirit of Holy Writ, by "hiding light under a bushel;" that my loyalty to this higher law, if pressed, would lead me to disobey the injunction of a temporal court. Thus I took advantage of the judge's good nature, that my brothers might enjoy the feast, and I now crave their charitable indulgence and lenient criticism for the risk incurred to entertain them. This prayer influenced the judge, in a subsequent letter, to accord me absolution and free pardon for the breach. After this long service on the bench, Judge Jones quit the active practice of his profession to enable him to attend to his large planting interests in the Mississippi and Red River valleys. I have a letter, addressed to me by high authority, estimating his abilities as a judge, from which the following quotation is taken: "He was regarded as one

The first part of the work is devoted to a general history of the country, from the earliest times to the present. The author has collected a vast amount of materials, and has endeavored to present a complete and accurate account of the progress of the nation. The second part of the work is a detailed description of the various parts of the country, and of the manners and customs of the people. The third part of the work is a history of the various wars and revolutions which have taken place in the country, and of the various treaties and alliances which have been entered into. The fourth part of the work is a history of the various sciences and arts which have been cultivated in the country, and of the various improvements which have been made in the arts and manufactures. The fifth part of the work is a history of the various religions and sects which have been established in the country, and of the various opinions and doctrines which have been held by the people. The sixth part of the work is a history of the various governments and constitutions which have been established in the country, and of the various laws and regulations which have been enacted. The seventh part of the work is a history of the various states and provinces which have been formed in the country, and of the various interests and concerns of the people. The eighth part of the work is a history of the various cities and towns which have been founded in the country, and of the various improvements which have been made in the cities and towns. The ninth part of the work is a history of the various islands and colonies which have been discovered in the country, and of the various interests and concerns of the people. The tenth part of the work is a history of the various nations and tribes which have been discovered in the country, and of the various interests and concerns of the people.

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of the best *nisi prius* judges ever in the State, and particularly excelled as a chancellor." This is, indeed, a very high compliment, coming from the source it does. It requires more talent to become an eminent *nisi prius* judge than judge of a supreme court, where the judge can take "a year and a day" to inform and advise himself, if he chooses, before flooding the world with light.

In 1866 Governor Garland and Judge Jones were elected to the United States senate, but were denied admission, in common with others elected from the south during the reconstruction period. When the order of Patrons of Husbandry was originated, he was elected master of the State grange, and in that relation soon became favorably known to the order throughout the United States. He is a fine and ready writer, and contributed with his pen largely to the literature of the order. These articles attracted much attention at the time, and gave him great prominence in the order; and when the national grange convened, he was elected master of the organization. During his administration the order attained its greatest numbers and power. He canvassed the United States, and advocated the co-operative system, productive and distributive, as the most practical solution of the conflict between labor and capital, warning capitalists to avoid the precipitation of a conflict that would become too powerful and terrible to control. He has five sons and one daughter, three boys in the learned professions, one merchant, one farmer. All meet annually under the roof of the hallowed old homestead, at Christmas, in that sacred and holy union and communion which makes us all purer and greater. The daughter and her husband live in the far-off mountains of the "Old Dominion," but she could forget her bridal day as easily as the annual pilgrimage to the mansion that witnessed her natal day. The judge and his good lady live in the golden fruition of ripe old age, and their next nuptial anniversary will bring their golden wedding.

GOVERNOR HENRY MASSEY RECTOR, LITTLE ROCK.

The courage of the Celt and firmness of the Saxon are united in the blood and character of Henry M. Rector, whose great grandfather, in the paternal line, was a native of Wur-



EX-GOV. HENRY M. RECTOR.

temberg, Saxony, and his grandmother, in the maternal line, was pure Irish Celt; the intermediate family crosses being English and Welsh. The governor is fortunate in inheriting the patriotic virtues and robust constitution of these races without their vices. The first Saxon in the American line settled in Fauquier county, Virginia, during Lord Dunmore's administration of that colony as a fief of the British crown.

In that old historic county, in 1775, was born unto Frederick M. Rector, the Saxon, a son, John Rector, to whom was born in the same county, Ann Rector, wife of Tom Conway, the most celebrated mother in American annals, of whom we have given an account in the history of the Conway family; and to John was also born, in that grand old Commonwealth, nine heroic sons, all six feet high, whose splendid physique was only equaled by their manly courage and bearing in all the relations of life. All of these nine brothers were soldiers in the war of 1812. Elias, one of them, was the father of Governor Henry M. Rector, who was born May 1, 1816, in St. Louis, Missouri. Captain Nelson Rector, another of the famous brothers, made a brave soldier's record on the upper Mississippi. Wharton Rector, another of these brothers, was the father of Major Wharton Rector (who figures so conspicuously in our early history), and of the late Major Elias Rector, celebrated in our local literature as "the fine old Arkansas gentleman near the Choctaw line" — a character drawn to life by the magical, the wonderful genius of his bosom friend, General Albert Pike.

General William Rector was surveyor-general of Illinois, Missouri and Arkansas from 1816 to 1823. Fannie B. Thruston, the mother of Governor Rector, was the daughter of the Hon. John Thruston of Kentucky, and niece of the Hon. Buckner Thruston, judge of the Federal court, in the District of Columbia. The Thrustons are descended from eminent English stock; thus two lines of the high-born and high-spirited cavalier unite in Governor Rector, in whom the graft is of vigorous growth. In this connection it is well enough for the author to state his views on the transmission of character and its effect on the descendants of either vicious or noble lines, proximately and remotely. There is no doubt in his mind that

traits of character, good and bad, descend from sire to son, subject to modification produced by crosses in the line of descent and educational development. It is of vast importance to observe this primal law of nature, which holds good both in the animal and vegetable kingdoms. Hence it is, the author, whenever in possession of the facts in family history, has given them, as matter of interest not only to the families, but to the general public. And it is also well for those who look beyond superficial indications, to remember another fact clearly defined and well developed in our national character. Our Pilgrim fathers hated monarchy and all the heraldry attached to nobility and the ruling classes in England. This political antagonism sprung vigorously from opposite religious creeds, and founded its deepest roots in the persecutions the weak suffered at the hands of the strong; in this, fanaticism and bigotry, and their twin sister, intolerance, were not aliens on either side. The hatred of the Pilgrims to the established order of religion and politics naturally led them to embrace the idea, and teach to their descendants, that the boasted heraldry of the English cavalier and the ruling classes of England is a libel on truth and an invasion of the natural rights of man. This extreme, so deeply rooted in New England, embraced the heresy which discards the idea that there is any thing in the transmission of blood and character. On the other hand, there is no portion of the race of mankind who believe and teach the inheritable and transmissible principles of character and blood with more pertinacity than the gentry and governing classes of England. The portionless scions of the gentry and nobility, the hapless victims of the harsh laws of primogeniture, settled on the historic James, colonized Virginia, and imported this doctrine with them, and the blood which made her the grand old "mother of States and statesmen." The laws of primogeniture prevailed there until late in the present century, and the pride and heraldry of blood is as deeply seated in the descendant of the cavalier as it ever was in the land of its origin. The New Englander boasts that republicanism is built on the ruins of this doctrine, and derides the idea that importance attaches to the descendant because of the achievements of his ancestors. This view is superficial, because it discards the transmissible connection be-

tween the two. These antagonisms between the New England dogma and the Virginia idea are now settled convictions. The roots and ramifications of this clash of religious and political doctrine extend to many of the most important events in our history. In its latent roots lie the seeds which led to the war between the States.

Elias, the father of Governor Rector, was prominent in the early history of Missouri; he was postmaster of St. Louis, and a member of the legislature. He died in 1822, the owner of large landed estates—Hot Springs, Arkansas, being one of his locations, of which the government has very unjustly deprived the governor, his only heir. From his thirteenth to his nineteenth year he labored hard, driving teams and hauling for his step-father's salt works in Missouri; after which he spent one year at school in Louisville, Kentucky, where he laid the foundation on which he built a good English education himself. In 1835 he came to Arkansas to look after landed interests inherited from his father. In 1839 he married the accomplished Miss Field, niece of that great man, Governor John Pope, and the same year was chosen teller of the State Bank, a position he held eighteen months, after which he resigned and embarked in farming in Saline county. In the mean time he read the best text-writers on law, but did not enter on the active practice for some years afterward. In 1842-3 he was appointed United States marshal for the district of Arkansas by President Tyler, and held the office until superseded by his cousin, Major Elias Rector, under Polk's administration. The office came to him without solicitation. In 1848 he was returned to the State senate from Perry and Saline counties, after a vigorous and exciting canvass with William English, brother to our late chief justice, and said to be much the abler of the brothers. English was a spirited whig, had buried his man, and was regarded as dangerous and fearless, but when he commenced to play for the stakes on that key, was soon convinced that he had made a mistake, and that the hazard was more than the stake was worth. In 1854 he opened a law office in Little Rock, and practiced for several years, confining himself chiefly to criminal law. As the years rolled on it was observed by the ruling political *regime* that Rector was feeling his political oats, and that, if something was

not done to prevent it, he would soon develop into a dangerous political rival for democratic honors. His popularity with the masses had been subjected to the severest test in 1855, when leading the forlorn hope in Pulaski county, the stronghold of whiggery, against the able and popular Charles P. Bertrand, in a race for the legislature, in which he was successful. The Johnson faction, with their family connections and allies, had long dominated the democratic party in Arkansas, and had monopolized its chief honors from 1836 to 1860, as we have stated in a special chapter devoted to the subject. Although recently defeated, it was a powerful and compact organization, and to tear its power down required the bold leadership of an independent, popular favorite. Rector, although an unalloyed democrat, and connected with the powerful Conway family by blood, had never been taken into the confidence of this political oligarchy. To shelve or switch him off on a side track, and appease his rising ambition, the party elected him, in 1859, to a seat on the supreme court bench. In 1860 the democratic convention registered the edicts of the oligarchy in the nomination of Colonel Richard M. Johnson for governor, an honest, fearless and able man, who had long worked in the democratic harness, performing yeoman service. But it was his misfortune to be nominated at a juncture in public opinion when it was ready and ripe for revolt against long-continued domination. Who was the man to make the breach and lead the revolt? was the question which ran anxiously along the democratic line. The leaders in the revolt consulted and determined to run a man as near as possible to the powerful family, not to be identified with it, and Governor Rector *was the man*. He led the political revolution as bold as Hercules and proud as Jove, aided by the bold Tom Hindman, who led the van in his district and carried it for congress. Governor Rector was elected by a majority of two thousand four hundred and sixty-one, after one of the most exciting contests ever made in Arkansas. But the opposition, crushed in this contest, rose afterward, like Banquo's ghost, in his political pathway, as we will see before the end. He was inaugurated in October, 1860, for four years, and thus became our chief executive officer at the greatest crisis in our history, an important historical character in both State and Fed-

eral relations. In April, 1861, President Lincoln issued his famous proclamation for seventy-five thousand troops, to put down the rebellion, and through his secretary of war, Simon Cameron, called on the executive to furnish seven hundred and fifty troops, the quota charged to Arkansas. His reply to this requisition was much perverted by the northern press, and injected with rude and uncouth expressions, unbecoming the grave dignity of a governor. The following is his reply, which is its own vindication against the wide-spread perversion :

EXECUTIVE OFFICE,
LITTLE ROCK, ARK., 22d April, 1861. }

HON. SIMON CAMERON, *Secretary of War, Washington City, D. C. :*

In answer to your requisition for troops from Arkansas, to subjugate the southern States, I have to say that none will be furnished. The demand is only adding insult to injury. The people of this Commonwealth are freemen, not slaves, and will defend to the last extremity their honor, lives and property against northern mendacity and usurpation.

HENRY M. RECTOR,
Governor of Arkansas.

The State convention, which hoisted anchor and spread sail on the sea of revolution, convened on the 4th of March, 1861, and on the 21st adjourned to the 6th of May, and on the last-mentioned day reconvened and passed the ordinance of secession before night. On the 15th, a military board, consisting of three, of whom the governor was one, and *ex-officio* president, was created, with vast powers, charged with the organization and direction of a large army, and disbursement of millions of money. Under this supreme authority the board raised and equipped forty regiments and battalions. Previous to the creation of this board, the governor seized the arsenal at Little Rock, and the fort at Fort Smith, and a large quantity of arms, stores and munitions of war. By artful design, silently and ingeniously executed, without attracting at the time the slightest attention or suspicion, the political guillotine was prepared for him in the revolutionary convention of 1861, by failure to continue the

incumbent in the office of governor, which left almost every other office undisturbed. Of this the supreme court said in June, 1862, when the guillotine was sprung in that tribunal, at the instance of his defeated opponent in the race for governor in 1860, Colonel Richard H. Johnson: "It is now matter only of curious speculation as to *why* this was done, and is not the subject of judicial inquiry."

The office was declared vacant, and Governor Rector became a private citizen two years before the expiration of the term for which he was elected. But he was patriotic from deep and profound convictions, and was determined that no amount of disappointment, however great, should deprive his country of his services at that crisis of her extremity. As governor, he had issued many stirring appeals and proclamations, calling his fellow citizens to arms, and the example he had set them, he determined to follow to the end.

After judgment of ouster from office he immediately applied through A. H. Garland, then in the Confederate congress at Richmond, for promotion and assignment to active duty in the army, attaching but one reservation to the application, which was not to be assigned to any commissary or quarter-master's position; but Garland gave him but lukewarm support and no encouragement. The Johnson influence was compact and powerful, and Garland, of all men on earth, would not encounter personal risk in trying to overcome it. His success in life is founded on his artful avoidance of friction. Before public opinion had crystallized in the opposite direction he was the most intense Union man in Arkansas, and manifested confidence in the security of southern institutions under the incoming administration of President Lincoln. But when the tide turned for war, Garland crystallized with it, and was among the first to ask and receive Confederate honors, and outstripped all other competitors. Foiled by these adverse combinations to attain that position in the army to which his eminent service and talents entitled him, he joined the reserve corps of the army, and served in it as private until the end. Cincinnatus, when he laid down the office of dictator and retired to the plow, did not set a nobler example to his countrymen than this. The close of the war found him, in common with his fellow citizens,



WILLIAM L. MOOSE.

much embarrassed, but he had some oxen and pieces of old mules and two noble boys, aged fourteen and sixteen, and he soon improvised inland transportation facilities, and all hands went to work hauling cotton for a livelihood. This heroic example and resolute struggle against misfortune is worth more to his fame than the laurels of being governor, and exhibits in strong light the heroic virtues of the ancestral lines from which he sprung.

In 1868 he was a member of the constitutional convention of that year, and struggled manfully against the overwhelming majority which imposed such odious restrictions on the liberties and rights of the people opposed to carpet-bag domination. The governor's son, Captain William F. Rector, was killed on top of the Federal breastworks at Helena, on the 4th of July, 1863, the first to reach the rampart; he fills a hero's grave. Another son, Doctor Henry M. Rector of Garland county, represented his constituents in the legislature of 1876-7, but declined further political honors. And still another son, Elias Wharton Rector, a graduate of the University of Virginia, is a very promising lawyer and politician, was a leading member of the State senate at the session of 1887, and to every appearance has a brilliant future before him. His last wife is the accomplished daughter of Albert Linde, deceased.

WILLIAM L. MOOSE, MORRILTON.

W. L. Moose was born 28th of August, 1859, on his father's farm in Conway county, Arkansas, within a short distance of where his office is now located in Morrilton. The name is German, and was originally spelled Maas. On the mother's side he is of Irish extraction. He acquired an academic education in his native county. In 1879 he graduated from the law department of Vanderbilt University at Nashville, Tennessee, and immediately opened an office in Morrilton. He has served the usual probation, which has been attended with that firm, patient, immobile resolution and advance characteristic of the German race, and is now, with slow but firm and solid advance, moving to the front. He regards law as a jealous science, admitting association with no other avocation, hence lets politics severely alone—a wise conclusion, wisely followed. An orthodox Methodist, a democratic prohibitionist,

led to embrace this politico-religious creed from mature reflection and profound conviction, he keeps them to the front, and, when necessity requires, manifests the courage of his convictions. Unassuming but firm, practicing what he preaches, his influence for good, in school where he is a director, and in church where he is a deacon, is felt all around. Characters like this build a State, and are worth more to their fellow men than all the field of politicians who agitate society for selfish ends.

GOVERNOR ELISHA BAXTER, BATESVILLE.

William Baxter, the father of the governor, emigrated from Ireland in 1789, and located in North Carolina, where he was twice married, having born unto him ten sons and seven daughters, Elisha being the sixteenth child in the order of birth. His brother, John Baxter, was a distinguished man; he was speaker of the house of representatives in his native State; a member of the constitutional convention of Tennessee, and in 1878, President Hayes appointed him circuit judge of the United States for the circuit composed of the States of Tennessee, Kentucky, Ohio and Michigan, a position he held until his death in 1886. Governor Baxter was born in Rutherford county, North Carolina, on the 1st of September, 1827. His father was a thrifty and wealthy farmer, but was too indulgent with the younger of his last set of children, and spared the rod, to the neglect of Elisha's education; this obstacle in his pathway has occasioned much anxiety and labor in later life to overcome. In early life he engaged in mercantile pursuits on his own account, and succeeded, under the supervision of a long-headed business partner. Tiring in this well-doing, he abandoned it, and spent all the force of his energies on a farm for two years, without impairing its productive capacity or adding to his material wealth. This unsatisfactory experience led to a divorce between him and the old north State, and he embraced the more virgin soil of Arkansas in the fall of 1852, settling in the old and pleasant town of Batesville. In 1853 he opened up a mercantile house in Batesville, and in one season acquired much insight into the frailties of his fellow man; as cash and other assets decreased, experience took their place, until he was minus the one, plus altogether too much the other.

The ledger-balance's reversed columns, and his debtors did not come to his relief.

The truth is, Governor Baxter has too much of the milk of human kindness in his gentle nature to become a merchant or banker; he could never refuse or say no to any one in distress. Every lineament in his open, frank countenance indicates predominant benevolence and good-will to his fellow men, and all Arkansas (except the dethroned spoliator), in the days of her peril and sore trial, have fed at the charitable bounty of this man's heart — a merited tribute, worth more than all the golden exchequers of the world. He was the Moses that led Arkansas out of the wilderness of radical misrule and plunder — the leader who gave back to the people the ballot, the birthright of freemen. (See the author's reply to Loague in this volume.) To the people of Arkansas he was "a blessing in disguise." To them it was of infinitely more importance that he should be the conscientious Union man, and the conservative republican he was, than a commanding general in the armies of the south, or a democrat in the days of reconstruction. But "republics are ungrateful," and but few of us now stop to measure the weight of obligation we are under to Elisha Baxter. Mercantile disaster overwhelmed him in 1855 and swallowed up his paternal inheritance and all he had added to it, but his creditors sustained no loss ultimately. From the counting-house he went into a printing office on a small salary for one year, his wages defraying the expenses of his family on the most economical basis. Necessity now became the impelling inspiration which led him to embrace law as a profession, and he read it under the direction of his friend and neighbor, Chancellor Fairchild.

He came to the bar in 1856 and has followed the profession ever since, except when interrupted by the war and the discharge of official duties. In politics he was a whig as long as that party had a national organization, and after its demise he became a democrat, like Garland, as a matter of necessity rather than choice, but there was no accommodating political agnosticism in his nature, and he could not, like the latter, meet the demands of secession in 1861. He was a slave-holder by inheritance, but was opposed to the institution, and favored its abolition, on terms just to the owner. His popularity with his

friends and neighbors may be judged from the fact of his election to the legislature as a whig in 1854, by a constituency polling a two-third democratic majority. He was elected again in 1858, running this time as a non-partisan. In 1860 the popular Frank Desha defeated him, in a close contest for the office of prosecuting attorney. He was a conscientious Union man, and essayed the difficult ground of neutrality in the war between the States which, in time, yielded its natural harvest of trouble within Confederate lines. Reason, deliberation and charitable forbearance with the masses are swept away in the whirlwind of revolution and war, and Governor Baxter did not correctly estimate the force of these factors when he attempted to maintain isolated neutrality in the midst of a terribly resolute and sanguine people opposed to him. An overwhelming majority of the people where he lived, gave fathers, sons and husbands to the cause they loved and died for, when the imperious hour made the requisition.

It is too great a strain on human nature to demand drawing-room courtesies on the flood-tide of war. As well might a minister of the gospel mount a caisson in motion and expect to drown the cannon's roar with the thunders of the gospel, as to expect patient toleration when the people honestly believe it leads to death. Such were the environs attending the questionable relations of Governor Baxter in the estimation of the people, when twenty thousand Federal troops, under the command of General Curtis, swarmed into Arkansas and through Batesville, for the overthrow and subjugation of the people. True, he was incapable of any act that would impeach the highest integrity as between individuals, but that was not the question with the people in that all-absorbing hour of peril and fear. Momentous political issues had crystallized in war, and the result depended on its cruel fruitions. Under these circumstances the people conveyed to him the impression that healthier localities for longevity could be found, and he stood not on the order of his going, but went into the Federal lines at Jacksonport, where General Curtis tendered him the command of the First Arkansas Federal regiment. This he nobly declined, on the ground that he was native to the manor born, and ought not to take up arms against his kith and kin, to strike them down in blood,

because they differed with him in views as honest as his own, and the means to be employed to shape the results of the mightiest revolution in modern times. He left wife and children in Batesville, and sought asylum in the north. In the spring of 1863 he ventured on disputed ground in Missouri, and was captured by Colonel Robert C. Newton's cavalry, and Prince Robert treated him as royally as Prince Rupert could have done.

This inspired both gratitude and admiration for the noble bearing of the young cavalier, and in coming time, when the prisoner became governor, brought its reward in a major general's commission, which will go down as a heritage to the descendants of the gallant soldier, who was a gentleman in camp as well as court. Colonel Newton paroled him, and ordered him to report to General Holmes at Little Rock, which he did, and was turned over to the excited civil authorities, who caused his indictment for *treason*, and incarceration in prison. William M. Randolph, Garland's former partner, who owed his promotion to Garland's influence with the Confederate government, was then Confederate States district attorney, and as such drew the indictment and prosecuted Baxter, who was arraigned before Judge Ringo.

The changing drama of war now presented its climax of peril to Governor Baxter's serious contemplation. *Treason* was a capital and not aailable offense, and the time and place was not flattering for the selection of a jury favorable to his inclinations and interests. To save the *de facto* government any further trouble and expense on his personal account, and to relieve himself of painful apprehensions touching his future relations to the world, he concluded to formulate an indefinite furlough without the sanction of the Confederate authorities, and broke jail, and with the simple device of pedal locomotion, defeated the jurisdiction. The local revolutionary press called him "coward," and tried to smirch his name with much caustic criticism. These things stung and drove him to an act of great weakness, and caused him to abandon that high, moral heroism he assumed the year before, when he refused to take up arms against his native heath.

When he escaped from prison he repaired to General Steele's

head-quarters, and applied for authority to raise a regiment, and levy war against the south. His request was granted, and he recruited the Fourth Arkansas Federal mounted infantry, and was assigned the command at Batesville, where he commanded until he was called, in the spring of 1864, under Murphy, the war-governor, to preside as chief justice of the supreme court, in the interest of the Federal Union. Every thing incorporated with man's frailty has its limitation for good, its boundaries for evil, varying in degree, corresponding with the infinite modification of circumstance and mental organism influencing his action. These agencies and influences must be taken into account in estimating the degree of Baxter's defection in the surrender of the noble stand first taken by him in refusing to levy war on the south. They greatly extenuate and modify the degree of dereliction, but can never justify it, in the estimation of the true southron. In the cold calculating estimate of the northman he will always be justified and landed, and it would be futile in the author to try to remove their convictions. But their relation to the contest was inspired by very different sentiments from those controlling impulses which animated the south. Armies may overrun and conquer States, but they cannot conquer public opinion, against a people's conviction of right, and Baxter's fame will always have this obstacle to contend with in the south, independent of the abstract question as to which of the two sections were right in the beginning. These convictions are deeply and abidingly implanted in the southern heart, and they lie above and beyond the power of senates and armies. He resigned his command in the army and qualified as chief justice. Two weeks after this event he was elected to the United States senate, and resigned judicial honors to accept that higher office, but was not admitted to a seat in the senate. After the cessation of hostilities he returned, with his family, to Batesville, and resumed professional pursuits.

In 1868 he was appointed register in bankruptcy, and by Powell Clayton judge of the third circuit, a position he held four years, discharging the duties of both offices. In 1872, that huge mass of overgrown corruption, known as the radical party in Arkansas, lost "the cohesive power of public plunder,"

and, in its expiring efforts for supremacy, put two tickets in the field for governor and subordinate offices, both bidding for democratic support, which, in a contest like this, held the balance of power. Each promised constitutional reformation and restoration of the elective franchise. Thus the Augean stable of radicalism became a professed reformatory institution. Baxter headed one wing of this party in the race for governor. Joseph Brooks, a carpet-bagger from Ohio, "who had drifted into Arkansas as chaplain of a negro regiment," headed the other ticket. Strange to say, this leaven of political and priestly purity became the shibboleth of the democratic minority, and it is now a generally conceded fact, that he was elected by several thousand majority. But the Clayton-Baxter minority controlled the counting machinery, and the legislature, the final arbiter in the contest, as we have seen elsewhere in this volume, and Baxter was, by the legislature, declared elected for four years, and was duly inaugurated governor.

Baxter adhered to the just and liberal policy enunciated in the platform on which he made the canvass, and refused to become the pliant tool of Clayton, Dorsey and company. He "put on the brakes" against extravagance and corruption, and refused to let them longer "fiddle whilst Rome was on fire." At this they became furious and threatened impeachment, to which the governor replied: "If impeached for cause I will submit; if without cause, I will disperse the tribunal with the bayonet." In this play of Cromwell with the legislature and the rebellious leaders in his own party he was nerved and strengthened by the powerful support of public opinion, a reserved force which ultimately controls the world. Like the deviations of the needle from its polar magnet he has sometimes vibrated and wandered from consistent and perfect rectitude, and we have pointed it out without reserve. But, in this contest with the Nemesis of Arkansas, he assumed a true relation in her political constellation, which drew to him a moral grandeur and heroism which will always shield his name and fame and endear him to a disenthralled and regenerated people. The contest culminated in the Brooks-Baxter war of 1874 (of which we have given an account elsewhere) and the triumph of Baxter and the people, and the guaranty of their rights in the

constitution of 1874. These results would have been impossible, at that time, without the powerful aid and co-operation of Governor Baxter. The new constitution, which was the direct result of his liberal policy, vacated every office in the State, and cut off two years of his term, which he laid down like Cincinnatus, and retired to private life. After the adoption of the new constitution the democrats met in convention and unanimously nominated him for the office of governor, but he declined, rather than lend color to the imputation that he had betrayed his own party for democratic favor.

After his declension, A. H. Garland was nominated and elected. Politically Governor Garland owes him more, and has paid him less, than any man in Arkansas, considering the splendid opportunities fortune and power has thrown in his way. He reaped the fruits of the Baxter government, and ascended to the zenith of his political fortune, and has passed the meridian of a once splendid fame, without remembering or helping the man who lifted him out of the wilderness of political ostracism and gave him place and power.

JOHN C. AND C. W. ENGLAND, LONOKE.

John England, first Catholic bishop of the diocese of Georgia and the Carolinas, emigrated to America, with some of his kindred of the same name, in 1820, and settled in Charleston, where he lived until his death in 1842. He was one of the most learned, active and worthy prelates ever consecrated to the church, as well as one of the most liberal expounders of the canons of the Romish faith. He often preached in Protestant churches to large Protestant congregations, and in 1826 preached to the senate of the United States at Washington. One of his relatives settled in Georgia, from whom the brothers John C. and C. W. England are descended. W. H. England, the father of these sons, came from Georgia in 1849, and settled at Brownsville, the old county seat of Prairie county. Possessed of great suavity of manner, he soon became a popular favorite, and was elected, first, county treasurer, and then circuit clerk, which he held until his death in 1861. John C. was born January 18, 1850, and was educated at Brownsville and Hickory Plains, wher he accomplished



JOHN C. ENGLAND.



CHARLES W. ENGLAND.

an academic education. The war swept away the competency left by his father and threw him entirely on his own resources — perhaps best, who can say? — at all events, necessity at an early age developed in him great energies and practical resources, — the surest and best foundations in the great battle of life. He read law with Gantt & Bronaugh at Brownsville, and was admitted to the bar in 1870 and into partnership with his preceptors, who followed the county seat to DeVall's Bluff. In 1873 the new county of Lonoke was created, and Mr. England removed to the county seat of the new county, being the first lawyer to establish himself in it. Success crowned his efforts from the beginning. Possessed of great business tact, executive and administrative ability, he invested the proceeds of his profession judiciously, husbanded well all financial resources, until he now has an income, independent of his profession, of \$7,500 per annum, which is annually enhancing in a regular ratio of progression. Broad-gauged and liberal where the public is interested, he is foremost in every public enterprise in his county. At this writing he is a large stockholder and is extensively engaged in railroading, trusting much of his large office and professional business to his brother and partner, Charles W. As a lawyer he possesses unquestioned abilities of a high order, and had he confined himself to law could have easily achieved its highest honors, but the contracted field of an inland town does not afford facilities enough to gratify the activities of his mind — hence the outlet in other fields.

Charles Walton England was born in the old homestead at Brownsville, February 28, 1858, and like his brother John was deprived of his patrimony by the civil war. Educational facilities were beyond the reach of the poor, in the vicinage where he lived, when he first attained scholastic age, and his interests in this respect were, of necessity, entirely neglected. At the age of fourteen he left home without the simplest rudiments of an education, to commence the battle of life, first, as a daily laborer, economizing and husbanding his limited resources, to foster and minister to nobler and higher ends. Desire for an education as the foundation for rational enjoyment and usefulness to society, intensified his nature and assured its ultimate attainment, no matter how great the obsta-

cles adversity threw in his youthful pathway. With the scanty accumulations from daily labor and the hungry avidity with which he applied himself, he soon exhausted the meager resources of the common pay-schools of the period, and passed the region of the three R's in the scholastic zodiac.

The most exalted point in his youthful ambition was to master the curriculum prescribed by the University of Virginia, but that was in the problematical, the shadowy distance, with many rugged obstacles interposing. At this juncture in the lives of these affectionate brothers, there came to the front a noble trait, which honored one and blessed the other. Fortune had begun to favor the elder, and he looked out with a sympathetic heart on the wide and weary chasm the younger was heroically struggling to span, unlocked his limited exchequer, and said: "Brother, help yourself; achieve an education; I will honor all your drafts in that direction as long as it is possible for me to live and raise a dollar to spare." At supreme moments like this, noble natures honor the Divinity which created fallen man. It was not long until the industrious and aspiring youth knocked at the doors of Emory and Henry College, to be turned away from its classic portals with the announcement: "You have not advanced far enough to enter the freshman class of this institution." Staggered, downcast, foiled for the time, head and heart summoned courage from the depths of a heroic nature, and he retreated, determined to return master of the obstacles which drove him away. He employed a private tutor in the winter of 1876, under whose guidance he soon became qualified, and was, on his second application and examination, admitted to freshman honors in Emory and Henry. After winning sophomore honors in this ancient seat of learning, established by the descendants of the cavaliers, he matriculated at the University of Virginia, where he remained two years in the zealous embrace of the idol of his youthful ambition. Coming home, after four years' absence in the schools, to enjoy a brief vacation, expecting to return and complete the university course, he was disappointed by the temporary financial embarrassment of his brother John, and at once commenced the study of law in Little Rock, under that able and distinguished jurist, Judge Henry C. Cald-

well, and was admitted to the guild in May, 1882. In November, 1883, he formed a partnership with his brother at Lonoke, and the relation still continues. Possessed of a logical and analytical mind, he is a terse and close reasoner, caring nothing for, and never indulging, that ornate style which attracts and pleases jurists and auditories. Poor himself in beginning of life, he has never forgotten that charitable consideration to which worthy humility and distress is always entitled. In this he practices the tenets of the religion he professes, and charity expands his well-proportioned manhood.

HON. C. W. SMITH, ELDORADO.

The career of this young man is as remarkable as it is promising, and interesting as it is brilliant for one just entering on man's estate. He was born in Union county, Arkansas, June 30, 1856, and was prepared for college in the schools of the county. He was graduated from Washington and Lee University, Lexington, Virginia, in 1879, both in the literary and law departments of that seat of learning, with the degrees of bachelor of arts and bachelor of laws. These high honors were well merited and most worthily conferred. He was examined before and licensed by the court of appeals in Virginia in 1879. Afterward, in the same year, he was examined and enrolled in the circuit court of his native county. In 1882, and again in 1884, he was elected county and probate judge of Union county. The ability and efficiency with which he discharged the duties of this office warranted the conviction, in the minds of the electors of the thirteenth circuit, that he would be equally as efficient on the circuit bench, and in November, 1886, they elected him circuit judge. There are many old and able lawyers in the thirteenth circuit, composed of the counties of Union, Calhoun, Columbia and Washita, some of whom aspired to the office. The fact of his election over all opposition, in the district where he was born and raised, speaks more effectively than any mere comment or assertion of opinion the author might advance. Those who know him best entertain no fear of his ability to sustain the rapid promotion the people have accorded him.

JUDGE JOHN R. EAKIN, HEMPSTEAD COUNTY.

Hon. John R. Eakin, associate justice of the supreme court, was born in Shelbyville, Bedford county, Tennessee, February 14, 1822, of Scotch-Irish descent. His lineage is traced back for two centuries to the highlands of Scotland, where the name and blood is purely Highland Scotch. One of this family emigrated and settled on an Irish plantation in Ulster, Ireland, and there married a lady of pure Celtic blood, and from this union our jurist has sprung. In religion they were Presbyterians, and for many generations lived at and near Londonderry.

John Eakin, the father of the jurist, emigrated from Ireland in 1817, and settled at Shelbyville, Bedford county, Tennessee, embarked there in mercantile pursuits, and for that country and time, massed a colossal fortune. He was munificently generous and hospitable, and the son inherited this trait, with the fortune, which descended to him on the death of his father in 1849. In his early youth he was remarkably fond of letters, and advanced rapidly in his studies; at the early age of eleven he entered the college at Jackson, Tennessee, and there acquired the rudiments of the classics. In 1838 he entered the University of Nashville, Tennessee, and graduated from that institution in 1840. After leaving college he still pursued his classical studies, in connection with history, for one year at home. In 1841 he began the study of law at Shelbyville, under a private tutor, and after studying for one year, entered Yale College as a law student, and remained there for one year (1842-3). After his return from Yale he studied law one year longer, under Andrew Ewing of Nashville, Tennessee, and in 1844 was licensed by the supreme court of Tennessee to practice, and opened an office there, and practiced in Nashville from 1844 to 1853, when he moved to Wartrace, Bedford county, Tennessee, and became an agriculturalist and horticulturist for several years, expending all the while, rapidly, the fine estate inherited from his father.

In 1857 Judge Eakin moved to Washington, Hempstead county, where he resided until his decease. He took no part in the war as a soldier. He opposed secession and war with pen



JOHN R. EAKIN.

and on the stump. But when Sumter was lighted up, he reversed his attitude. He owned and edited the *Washington Telegraph* through the war, and avoided suspension. He was a whig as long as that party had an organization, and upon its demise became a democrat of necessity, not of choice. In 1866 the electors of Hempstead returned him to the legislature, and on the organization of the house he was a candidate for speaker against the Hon. Bradley Bunch. The first vote resulted in a tie, the second in the election of Bunch. The speaker, in recognition of his well-known legal attainments, appointed him chairman of the judiciary committee, than whom no member was better qualified to fill the important office. The war and other destructive factors impoverished Judge Eakin, and at the return of peace he resumed his professional career at the bar until 1874, when he was again called by the suffrages of a free people to serve them in high official station. After the poisoned Upas of reconstruction had exhausted its baneful influences, the *free electors*, in 1874, elected him to the constitutional convention of that year to frame our organic law; and the enfranchised citizen, with unfettered power, gave his fine talent and services to the people, who, in further recognition of his talents and abilities, in the fall of 1874 nominated and elected him to the high office of State chancellor. In 1876 he was renominated by the democratic party, and re-elected to the same high office.

In 1878 there was a very animated and spirited contest before the State democratic convention for the nomination to the office of associate justice of the supreme court, Judge Eakin and the Hon. Sam. W. Williams being the leading competitors, Williams leading the field until the last ballot, which, after the withdrawal of all other candidates but these two, resulted in the nomination of Judge Eakin by a majority of three. He was elected by a large majority to that his last and greatest office, and he brought "mature judgment and scholarly attainments" to the discharge of the duties it imposed. The high encomium embodied in the quotation is from the pen of the man he defeated for the office. Judge Eakin died suddenly and unexpectedly on the 3d of September, 1885, in the sixty-fourth year of his age, at Marshfield, Missouri, where he had gone to

spend his summer vacation with relatives. He was a man of very decided convictions, strong, striking and marked individuality, and when the advocate encountered these dominant traits in the forum over which he presided, he found formidable opposition, where authority and precedent were not likely to avail over the convictions which unconsciously dominated the mind of the jurist. But no man ever doubted the honesty, sincerity or purity of his motives, actions and judgment, however much he might differ with him. He possessed fine conversational powers, enriched, embellished and crowned with refined, classical taste and attainments, which lent a charm to every social circle he favored — the more so because so free, easy, graceful, and wholly devoid of ostentation. In early life, and along down the mature walks of manhood, he became addicted to a social custom and failing, which, at times, seemed to challenge the empire of manhood; but he rallied his intellectual resources and broke the chains of the tyrant, and accomplished one of the greatest, grandest moral conquests and achievements in the power of man, and, in this intellectual triumph over the evil passion, ascended transcendently higher than all the civic honors achieved by his learning and genius. John R. Eakin was a genius, and his adopted State sustained a great loss in his death.

THE WOOD BROTHERS.

Judges J. B. and Carroll D. Wood are the sons of a Baptist minister, the Reverend John S. Wood of Hamburgh, Arkansas. Their gifted mother died when they were quite young, leaving five little boys to train and educate. The pious father was always poor in this world's goods, looking to the great hereafter rather than to the fleeting pleasures of this life — following strictly the monitions of the Master. In time their mother was replaced in the person of an accomplished step-mother — a school mistress from New England. This lady is remarkable for having lavished the wealth of an accomplished mind and the treasures of an affectionate heart on the children God had committed to her care. Under her fostering care they all grew to man's estate, and all are eminent in their respective spheres for integrity and sterling worth. Three are lawyers. J. B.

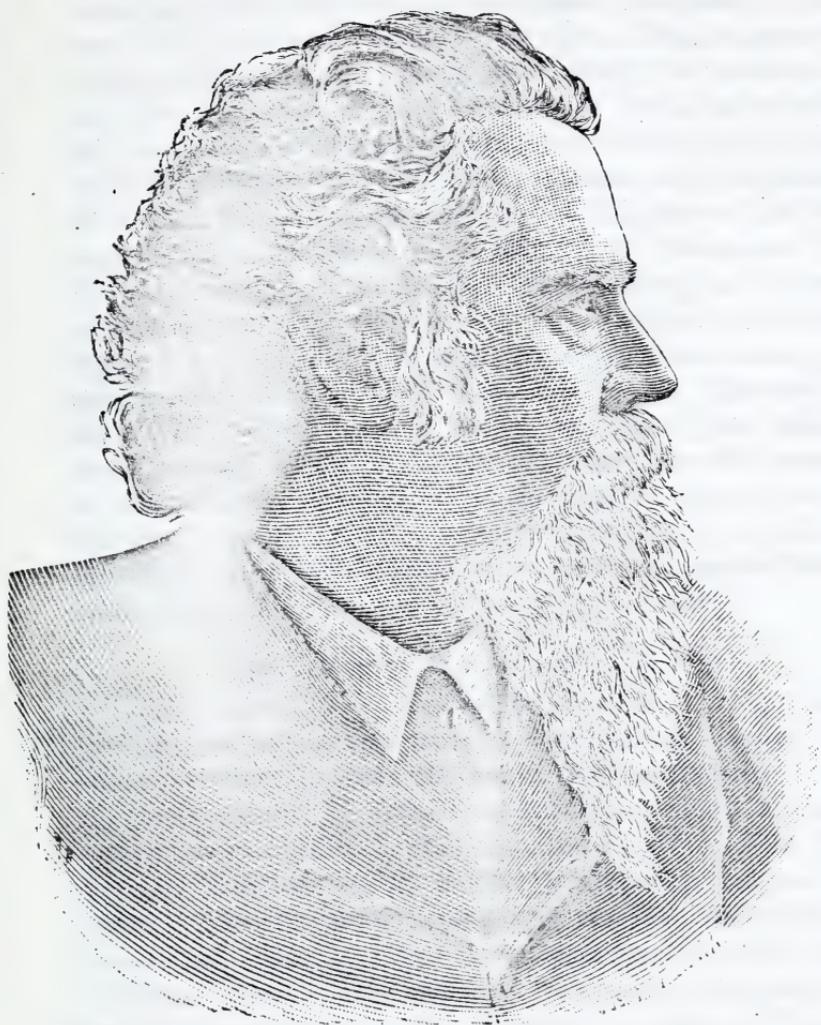
Wood was born near Lacy, Drew county, Arkansas, in 1851. When quite young his father moved to Hamburg, Ashley county. His educational resources embraced the common schools of Hamburg, and that inexhaustible fount of love and learning found in his step-mother. The five sons committed to her care were all impressed by her with the conviction that a noble field of usefulness lay invitingly before them, and that all things within the range of laudable ambition can be accomplished; and this confidence, with the "hope that springs eternal in the human breast," has constantly led them onward and upward. J. B. Wood read law with the Hon. J. W. Van Gilder of Hamburg, and was there admitted to the bar in May, 1872, and immediately entered on his professional career. In 1875 he moved to Hot Springs, where he still resides. In 1878 he was elected prosecuting attorney of the seventh circuit over talented and formidable opposition.

In 1880 he was elected his own successor. In 1882 he was elected judge of the seventh circuit over opposition that stood in the front rank of the profession. In 1886 he was again elected judge of the seventh circuit. These accomplished facts attest his great popularity in the seventh circuit, where he is best known. He is a graceful and fluent writer and speaker, and is a fine lawyer and jurist for his age. The younger brother, Carroll, was born in Ashley county, July 8, 1857. Like his elder brother he acquired his primary education under the guidance of his step-mother, and in the common schools of Hamburg. The career of this young man is phenomenal and worthy of the highest commendation. The author wishes all the youth in America could read his history and drink in his ambition with the noble impulses which guide head and heart. At the age of seventeen all his pecuniary fortune consisted of an economical outfit of clothing and \$35 in money. The clothing was easily compassed in a hand grip-sack. With this outfit he set out on foot from Hamburg to the university at Fayetteville, a distance of three hundred and eighty-five miles. Occasionally he found some relief by riding in wagons short distances, that chanced to be passing his way. The wayside traveler who looked on that dusty boy, sore of limb and weary of frame, little knew he was gazing on an eagle that would at

no distant day soar above the Alps. He accomplished the weary journey at an expenditure of \$6.75. After entering on his scholastic duties he obtained work on the college grounds in shrubbing them off at ten cents per hour, during the intervals he could spare from his books, but this work only lasted one month. He then engaged with a hotel proprietor of the town to wait on the dining-room and wash dishes at spare intervals to pay for his board and lodging.

During his second collegiate year he obtained a similar situation in a private family. In the interim between the sophomore and junior years, he found employment in a dry goods store. The president of the university paid him a salary as secretary during the senior course. He "messed" with the boys in the steward's hall during the last two years of his university career. At the commencement of his junior course he was awarded the medal for the best original oration, in a contest between the junior and senior classes. He took a thorough classical course and was graduated in 1879. From college he went to Hot Springs and read law with his brother, Judge Wood, and in August, 1880, was licensed to practice law. In the fall of 1880 he moved to Monticello, and commenced his professional career in partnership with his brother, Z. F. Wood, a gentleman of eminent worth and distinguished ability, whose history, to a great extent, would be a repetition of that of his two distinguished brothers, and for this reason alone is omitted in this volume. In 1882 his ambition for professional promotion led him to measure lances with Colonel Robert H. Deadman, a popular gentleman, of great worth and acknowledged ability, in a warm contest for the office of prosecuting attorney in the tenth circuit. The popularity and magnetism of the young man may be judged from the result. He swept the field like a cyclone, and was elected by a majority of nearly six thousand votes. His strength and popularity in 1884 was so great that no man opposed him, and he was re-elected without opposition. There is nothing more remarkable in this than the fact he had the ability to sustain himself in a district teeming with good lawyers.

In 1886 his ability and popularity was again subjected to a severe strain in a contest for the office of judge of the tenth cir-



HON. ROBERT H. CROCKETT.

cuit, against such old stagers and veterans as Norman of Ashley, Simons of Chicot, and Duffie of Dallas, for the democratic nomination, and the man of destiny was again triumphant. The Hon. John M. Bradley was then the incumbent, he refused to make way for the democratic nominee, and opposed him, independent of party affiliations, and "David slew Goliath," at the polls, and had above five hundred stone left. When elected judge he had just become constitutionally eligible to the office, having practiced *six years* and one month. In November, 1886, he married Miss Reola Thompson, the accomplished daughter of our State superintendent of public instruction, W. E. Thompson. His life truly indicates him to be a man of great energy and strongly-marked individuality of character. In all things and relations where it is admissible, he is as mild and gentle as a woman, but austere and unbending where duty requires it. His struggles have been noble and heroic, and evinced the highest order of moral courage when he donned a waiter's cap and apron to wrestle with honest poverty, that he might minister to the intellectual hunger of a lofty nature. The reward is as noble as the effort that made it possible; only six years spans the distance between the waiter's apron and the judge's ermine.

HON. ROBERT W. CROCKETT, DE WITT.

"Bob Crockett," as he is called by all of his familiar friends, and they are legion, was born in Paris, Henry county, Tennessee, February 15, 1832, the son of the Hon. John W. Crockett, who succeeded his father, the celebrated David Crockett, in congress, and Mary L. Hamilton, the daughter of the Hon. John A. Hamilton, one of the first circuit judges in west Tennessee. The Crocketts were among the first settlers in the Cumberland valley, and came in the immigrant tide led by the celebrated pioneer, General James Robertson, who opened up the first pioneer settlement in Tennessee, in 1769, at Watauga, on the Holston river, in east Tennessee, and ten years afterward colonized the historic Cumberland valley. These hardy pioneers, inured to toil and dangers, were as noble and as chivalrous a people as the world has known, and their descendants bear the impress of the line from which they sprang. Their his-

tory is written in the blood of two hundred battle-fields, and every page of it attests the chivalry of her sons.

The name of "Davy Crockett" is a household idol in Tennessee to-day, to all of her sons and fair daughters, and will be as long as her literature is preserved. He was not great in the lettered guild of colleges and universities — that was a heritage to be won by the blood of the father and transmitted to his descendants; but he was noble and great in the heroic virtues, the stay and pride of his country in the perils which called for a patriot's heart and a soldier's arm, whether in Indian wars on the border, or as volunteer aid to an infant State rallying her sons and mustering her guns in a struggle for empire. He fought his last battle and fell at the Alamo, enriching the heritage of an empire at its birth, and writing his name with his sword high on the temple. The historian has recorded the deeds, and the muse has tuned his lyre and sung of the hero of the Alamo. "Bob" was a wild boy, and did not heed the Christian Koran in his young days like he does now. Much of his early boyhood was spent in New Orleans, where his natural inclination for adventure was stimulated, and he ran away, went to sea, and skipped before the wind for nearly a year before his romance was cooled. Returning to New Orleans a sadder but wiser boy, he soon became inflated with fillibuster notions and joined the revolutionary forces of Lopez, the fillibuster, and proceeded with him to invade Cuba, where he learned to crave and enjoy all the good there is in a hasty retreat, and to appreciate the fact that it is better to make a good run than a bad stand. When he returned home to anxious parents, they concluded to gratify the military aspirations of the precocious youth by sending him to the Military Institute of Kentucky, where he could learn discipline while acquiring an education. Here the wiry edge of rebellious youth wore off gradually, and "Bob" settled down to business. After completing his course at the institute he settled in Memphis, Tennessee, where his parents then lived, and read law with Isham G. Harris and J. E. R. Ray, and was there admitted to the guild in 1853. In the mean time, whilst reading law, he became associated with Smith P. Bankhead as editor of the *Eagle and Enquirer*, the leading whig journal of

Tennessee at the time. In 1856 he removed to Arkansas, settling near Crockett's Bluff, where he lived until 1881, when he removed to De Witt, where he still resides. He served four years in the Confederate army, and, at the close of the war, was colonel of the Eighteenth Arkansas infantry.

No braver knight than "Bob Crockett" ever wore a plume or drew a sword. He has, until recently, lived a quiet, retired life, eschewing politics until 1884, when the electors of the thirteenth senatorial district commissioned him to represent them. His wit and humor is sparkling and contagious. At this writing (1887) he is a very formidable competitor for gubernatorial honors. His social powers are inexhaustible; without intending it he at once becomes the "head center" of every social circle he graces. As a humorist, he inherits the genius of his grandfather, "Davy Crockett," who could convulse acres of people with laughter. Once when canvassing west Tennessee for congress, in opposition to the celebrated Adam Huntsman, a flock of guinea fowls perched on a neighboring fence whilst he was addressing the electors and commenced their favorite racket. Stopping suddenly, with index-finger pointing to the choristers, he solemnly exclaimed: "Listen, gentlemen, the very fowls are hallooing for Crockett, Crockett, Crockett." And the woods are full of electors who will pick up the chorus for "Bob" in '88, as they did for "Davy" in 1830.

MAJOR-GENERAL PATRICK RONAYNE CLEBURNE.

This sketch is condensed by permission of Judge L. H. Mangum from his well-written history of General Cleburne, which appeared in the *Kennesaw Gazette* of June 15th, 1887. General Cleburne was born near Cork, Ireland, on the 17th of March, 1828, the descendant of an ancient Tipperary family of English Quakers, who crossed the Irish channel after Cromwell became master of England. His father was a graduate of the best colleges of medicine and surgery, and felt great solicitude in the education of his children, but died during Patrick's minority, and a collegiate education was never attained by the wayward youth. At sixteen years of age necessity taught him the propriety of adopting some avocation in life, and he chose

that of druggist, and apprenticed himself to Mr. Justin, in the little town of Mallow. Soon thinking himself master of the business, he went to Dublin and applied for examination, but was subjected to mortification and deep chagrin on learning that a knowledge of Latin and Greek was indispensable. He failed, and his sensitive nature drove him to hide his shame as a common soldier in the British army, which he forthwith joined and kept himself concealed for more than a year, but was finally recognized by Captain Pratt, an officer in the regiment, who knew his family. This brought him a sympathetic friend, and ultimately his release from the now dull and monotonous British army confined to the barracks in Dublin.

Released from the army, he headed for Queenstown, and on the 11th of November, 1849, embarked for the United States *via* the Mississippi and New Orleans. His first abiding place was Cincinnati, where he became clerk to a druggist under our practical system which ignores Greek verbs and Latin roots. At a later day he came to Helena and commenced his career in Arkansas as a prescription clerk. In a year or two he became part owner of the establishment, and began the study of law and general literature. In 1854, as orator of the day at a masonic celebration, he achieved local celebrity, and met with much encouragement to prosecute his legal studies. In 1856 he was admitted and enrolled on the roster of the bar, and entered immediately on his professional career. When he came to the bar a violent, spasmodic contest was in progress between the democratic party, under the brilliant leadership of the hot-headed Thomas C. Hindman, and Dorsey Rice, a leader of the know-nothing party, into which Cleburne was unintentionally drawn as a participant in one of the bloodiest tragedies ever enacted in Helena. On the forenoon of the fatal day the mutual friends of Rice and Hindman interceded and thought they had amicably settled the trouble. At this juncture Hindman invited his friend and non-combatant Cleburne to dine with him, and the invitation was accepted. On their way to dinner Dorsey Rice came suddenly on them, leveled his pistol at Hindman's breast and fired. Hindman was wounded, but immediately drew his pistol and returned the fire. Cleburne stepped aside, drew his pistol, without firing or raising it, and stood looking on to see



MAJOR-GENERAL PATRICK R. CLEBURNE.

that no friend of Rice interfered to the prejudice of Hindman. At this instant Jamison Rice, brother to Dorsey, shot Cleburne clear through the body, unobserved by the latter. Cleburne wheeled in the direction from whence the ball came, without knowing who shot him, and saw James Marriott, Dorsey's brother-in-law, standing, pistol in hand, and shot Marriott dead, supposing him to be his assailant. A moment later Cleburne fell from exhaustion, and was carried home by his friends, where he lingered between life and death a long time, but finally recovered. In 1859 General Cleburne became associated with Judge Mangam in the practice of law.

As a lawyer he commanded respect and a good practice, but was not at the bar long enough to make and impress a lasting record in that widely-extended and difficult field. He had much of the milk of human kindness in his nature, and he felt that he was brother to every sufferer. He remained at his post in Helena during the terrible yellow fever scourge of 1855, and nursed the sick and buried the dead, after all who could had fled. Moral and upright, he despised a mean act, and acknowledged no guide, but his honor and conscience. Proud and sensitive, he demanded respect, and always accorded it to others when deserved. He lived much to and within himself, and often sought in solitude the wild-wood charms of forest and glen, often contemplating the inner, rather than the outer world. He appeared morose and taciturn, and for this reason had but few devoted friends and confidants. He loved his fellow-men and deeply sympathized with their distress and misfortunes, but for himself there was a well-spring of inner consciousness to which he ever turned for consolation, silent, glorious and grand, and like the waters of the deep sea, hidden from the sight and intrusion of man. An Episcopalian in religious faith, he was for years a vestryman in St. John's Church, Helena. He read men with remarkable quickness and accuracy and always accorded due consideration to the deserving, whether the possessor stood in a private's or general's uniform. He had a sad, a sacred love, which death denied fruition on earth. He attended General Hardee's wedding at Selma, Alabama, as groomsman, with Miss Sue Tarleton of Mobile, bridesmaid, early in 1864. Manliness wedded to a hero's fame won the hand and

heart of the beautiful and intelligent belle of Mobile, and they were trothed as devoted lovers. But he fell asleep whilst leading the charge "on fame's eternal camping ground" that fatal 30th of November, 1864, in the awful battle of Franklin, where so much chivalry was needlessly sacrificed to incompetent generalship. The letters he wrote his betrothed from the tented field were elevated in sentiment, full of pathos and exquisite in tenderness. Both have passed the dark river and entered on the fruition of love immortal.

When the civil war commenced Cleburne stepped to the front immediately as captain of the Yell Rifles first, then as colonel of the first Arkansas regiment to enter the Confederate service, composed of the flower of the land; promoted by election — soon a brigadier's commission came, to be quickly followed by a major-general's commission. From the opening to the close of his career in the army his record is a series of triumphs. Physically he was six feet in height, broad of shoulders and slender build, and rather ungainly in appearance. After the battle his body was found; boots, sword, belt, pocket-book and diary were gone. His remains were deposited in Ashland, the private burying-ground of the Polk family, six miles south of Columbia, Tennessee, Bishop Quintard officiating. The Ladies' Memorial Association of Phillips county, Arkansas, with Mrs. Judge John T. Jones at its head, modeled and arranged a fine cemetery at Helena, for the Confederate dead, and thither the remains of General Cleburne were brought and deposited in 1869.

JUDGE B. B. BATTLE, LITTLE ROCK.

Judge Battle was born on his father's plantation in Hinds county, Mississippi, the 24th of July, 1838, but came with his parents to Lafayette county, Arkansas, in 1844, and there grew up to man's estate. His father, Judge Joseph J. Battle, was born near Raleigh, North Carolina, and is descended from an honorable and ancient colonial family, whose sons fought for independence on many fields in the revolution. It was a matter of just and noble pride with the old man (now deceased) that his lineage run back through blood that had nurtured and contributed to the liberties of his country.

The eminent jurist, William Battle of the supreme court of North Carolina, was cousin to the father of Judge B. B. Battle. In their early days they were intimate friends and associates. Unfortunately it has been the strong tendency of our semi-democratic institutions, to lessen our estimate of the dignity and importance of family history, and to care little for its preservation. This grows out of prejudice to monarchial and aristocratic institutions, but it is a false pride, and is sometimes noxious and baneful in its influences on our literature. All admit and believe in the laws of reproduction in their application to plants, race-horses and the lower order of animals, but many, through false pride, deny their application to the highest order of animate creation. These impediments too often loom up in the pathway of the historian, and darken it, when trying to follow up important facts, and to trace philosophic causes to logical results. I believe in blood; I believe in the laws of reproduction; they come to us under the signet of the Creator, and not from the bastard mill of aristocratic institutions. But like all other laws, they have their exceptions. The author is led to these reflections, not from any thing peculiar to the history of Judge Battle, but because of the generally accepted false ideas about family history, and the false modesty growing out of the error, which has given over so much valuable history to oblivion. Judge Battle, under the fostering care of his kind and honored father, acquired a very liberal education, and was graduated at Fayetteville by Arkansas College on the 4th of July, 1856.

After leaving college his father sent him to the law department of Cumberland University, at Lebanon, Tennessee, where he was, under the direction of those able professors, Judges Abe Caruthers, Nathan Green, Sr., and Nathan Green, Jr., thoroughly grounded in the elementary principles of law, graduating in June, 1858. At the commencement of the late civil war his colonial blood asserted itself and came to the surface. His choice led him to the artillery arm of the Confederate service. The flying battery to which he was attached as a private during the war formed a part of General Frank Cheatham's division the first two years of the war. The remainder of the war it was attached to General Pat. Cleburne's

division. The heroic ages have produced no better soldier than young Battle. No signal for battle in the army of the Tennessee, from Tunnel Hill to Jonesboro, Georgia, ever found him absent from his gun on the field of battle, save that in front of Nashville, when he was on active detached service. He served his gun and served it well on the bloody fields of Perryville, Shiloh, Murfreesboro, Chickamauga, Missionary Ridge, and all the other battles fought by the army of the Tennessee, with the exception mentioned. He never had a furlough when a battle was at hand, nor was he ever sick or wounded during his connection with the army. The young soldier brought this honorable record back to the State that sent him to the field. He was licensed to practice law by the supreme court of Tennessee in 1858, and in the fall of that year by the courts of Arkansas.

In the fall of 1858 he opened an office at Lewisville, in Lafayette county, Arkansas. After the termination of the war, he resumed and continued the practice at the same place, until 1869, when he moved to Washington, Hempstead county. He was returned to the legislature in 1871, without being consulted as to his inclinations in that respect. Judge Battle has never had any ambition than that directly connected with his profession; in that, his ambition is laudable and looks to high achievement. He has been three times elevated to the supreme bench of the State; first, by appointment from the governor, then by election to fill the unexpired term of the lamented Eakin, in 1885, and in 1886, by election, for the full term of eight years. He possesses many of the elements necessary to advance him to the rank of an eminent jurist. He is learned, discriminating, pains-taking, laborious in research, and his mind is remarkably free from prejudice and excitement of any character. But his proverbial caution and fear of being misled by counsel sometimes leads him to overlook the application of important principles. When he achieves emancipation from these misgivings his field of usefulness as a jurist will be correspondingly enlarged. A little more experience will enable him to accomplish this.



THOMAS BOLES.

JUDGE THOMAS BOLES, FORT SMITH.

Judge Boles was born a farmer's son in Johnson county, Arkansas, July 16, 1837, and is of Norman-English extraction. A zealous biographer and enthusiastic genealogist of the family traces their advent into England as conquerors under William the Norman. The barons of Scampton and the lords of Swineshead in the county of Lincoln for seventeen generations figure conspicuously, dating back in this bailiwick to the reign of Henry III, and the biographer assures us that from another branch of the Boles family descended the Duke of Marlborough, John Boles, bishop of Rochester, William Boles, a naturalist, and Sir George Boles, lieutenant-general, who commanded a division under Wellington at Waterloo. The youth of Judge Boles was but a duplicate of that of the ordinary farm-boy; he attended the old-fashioned log school-house at intervals when he could best be spared from the field, and in this way he aggregated twelve months' primitive schooling by the time he attained his twentieth year. But he had aspirations, a taste for books and literature, and became his own zealous educator at night after his day's work on the farm was over. In this way he qualified himself to teach the rudimentary branches of an English education, and for two years taught school, and read law during his leisure hours, and was admitted to the bar in 1859, at Danville, in Yell county, and located there. He served one year as deputy sheriff, and near two years as deputy clerk; was a Douglass democrat preceding Mr. Lincoln's election, but was a warm and zealous Unionist during the late civil war, and became captain in the Third Regiment of Arkansas Federal cavalry, and figured conspicuously in the local troubles and contests at the time. After the war, in politics he became a republican and an active supporter of Governor Clayton's administration. In 1865 he was elected judge of the fifth judicial circuit of the State, with but little experience as a lawyer and none as a judge, but it is due to him to say that he did not seek the office in those troubled and disjointed times; that he only consented to fill the office after urgent solicitation; and that he was pleasant, courteous and affable on the bench, and filled the office with becoming credit and respect.

In 1868 he was elected to the fortieth congress as a republican, and was successively elected to the forty-first and forty-second congress, and was an active supporter of his party during that stormy period. Arkansas, by reason of her relation to the rebellion, had been excluded from the benefits of an act of congress granting to the States lands to endow agricultural colleges. Judge Boles introduced and secured the passage of a bill in congress removing this restriction, and securing to Arkansas her proportion of the endowment college scrip. At the close of his congressional career he resumed the practice of his profession, and located at Dardanelle, and in 1878 was appointed, by President Hayes, receiver of the United States land office at Dardanelle. Governor Baxter tendered him the office of circuit judge of the fifth circuit, but he declined it. In 1882 President Arthur appointed him United States marshal for the western district of Arkansas, which position he held five years, disbursing for the government \$300,000 annually. Since retiring from the marshal's office he has permanently settled in Fort Smith.

JUDGE SAMUEL N. ELLIOTT, BENTONVILLE.

Judge Elliott was born in Rutherford county, Tennessee, December 22, 1823. He was thoroughly prepared at the common and academic schools of the county for a collegiate course, and at the age of sixteen matriculated at Transylvania University, where, at the expiration of three years' thorough training, he was graduated with distinguished honors. He read law and was admitted to the bar in his native county in 1845. In 1848 he moved to Texas and entered upon a successful professional career. For some years prior to the late civil war he resided at Seguin, Texas, and was the law partner of that distinguished citizen of Texas, Governor John Ireland.

Governor Ireland was a secessionist *per se*. Judge Elliott was a whig, a Union man, and was opposed to secession as a remedy for existing political evils, but would not oppose the south, or remain neutral after she had embraced the extremity of war. Governor Ireland, under the confiscation laws of the Confederate States, was appointed receiver, an office of great responsibility, but its administration was civic in all of its details, and

entirely free from the personal perils of war. Judge Elliott at times indulges in caustic, but polished irony and sarcasm. Shortly after his partner was commissioned as receiver, a large mass meeting was held at Seguin in the interest of war. Up to this time it was not known what course Judge Elliott would adopt in reference to the war, and the public was anxious to know. Governor Ireland made one of his strong, characteristic speeches, urging all who were able-bodied to join the army, and after he concluded, Judge Elliott was loudly and earnestly called. He responded in an eloquent and able address, clearly defining his position, and defending it as an original Union man, but concluded by saying he would follow the fortunes of the south, right or wrong, through storm and through sunshine, and that as soon as prominent secessionists *per se* gave up the race for office and the loaves and fishes he would shake hands with them and shoulder a musket. The effect was electrical. The enthusiasm of the vast auditory rose like the waves of a storm-beaten sea, and overwhelmed and drowned the effect of all Governor Ireland had said in relation to Union men and doubtful patriots. John Ireland felt the thrust of the polished sabre, and walked to the rostrum and energized the act as he threw down and resigned his commission as receiver, and exclaimed: "Muskets it is, and to the tented field we go." Judge Elliott became judge-advocate of the army of Texas, and participated in the battles of Corpus Christi, Padre Island, Fort Esperanza, Galveston and many other engagements of less note. He moved to Benton county, Arkansas, in 1869, and served the people as county and probate judge from 1876 to 1882. He is liberal and anti-sectarian in his theological views and is a free, educated thinker on all questions. He would go to hear a saint, Ingersoll or the devil lecture or preach, and be governed by his own enlightened convictions. Nothing is so revolting to him in the intellectual field as an effort to dogmatize and chain the mind to arrogant creeds. Not long since an estimable lady, professing the doctrine of Universalism, died in Bentonville, and the local orthodox ministry denied the body Christian funeral in a Christian land.

The Christian spirit of Judge Elliott, although he belongs to no church, revolted at the denial, in the blazing noon-tide

of the nineteenth century after the advent of Christ, and in the benignity of his own cultured head and heart he took charge of the funeral ceremonies, and preached one of the most eloquent and effective orations, to a large concourse of people, ever heard in a Christian land. Madame Roland passed a statue of liberty on the way to execution, and exclaimed: "Oh, liberty! what crimes are committed in thy name!" He is of the old school, honest to the core, brave, generous, independent and courageous in all the walks and relations of life.

HON. JOSHUA WALLACE TOOMER, DARDANELLE.

Joshua W. Toomer was born in Itawamba county, Mississippi, August 26, 1846, of Scotch-Irish descent, intermixed with English blood from the paternal line. His mother was a native of Scotland. Both parents were possessed of strong native ability, and finely cultured minds. He inherited a love for literature and learning from both ancestral lines, and at a very tender age developed remarkable aptitude in the acquisition of knowledge. At ten years of age he had exhausted the major resources of the common neighborhood schools, and at that early age had compassed the field of ancient history, and whenever he found an auditor willing to listen, delighted in detailing and discussing every thing in the scope and range of his youthful acquirements. He was descended from, and named after, Wallace, Scotland's idolized hero, and when the war commenced, although but fifteen years of age, felt all the noble inspiration of Caledonia's bard when he tuned old Scotia's lyre and sang in immortal song:

"O, thou who pour'd the patriotic tide
That streamed through Wallace's undaunted heart."

And the strongest impulse of his nature was to join the Confederate army, and give practical expression to his patriotism on the battle-field. This he did, and participated with the Arkansas troops in the early battle of Wilson's creek, by the side of his elder brother John, whose death enriched the sacrifice on that bloody field and taught the youthful survivor the solemn realities and awful demands of war. He was never heard to indulge a regret or to complain at the hardships of



HON. JOSHUA W. TOOMER.

war, but followed the changing fortunes and vicissitudes of Price's army, on both sides of the Mississippi river, until it was reorganized, when he was discharged, against his solemn protest, because of his youth. After his discharge he went home to see his father and mother, but unsatisfied with his war experience and determined, at the first opportunity, to re-enter the Confederate service. He was well grown to his age, his size did not betray him, and he determined to practice a pious fraud by assuming to be twenty-one when again questioned, and he was registered as twenty-one in Hill's regiment, Cabell's brigade, trans-Mississippi department, in which he served until the south was conquered, participating in many conflicts, and escaping without injury.

Unlike most young men, he was not demoralized by his army experience, and, after the conclusion of the war, commenced the pursuits of peace with an ardor and resolution rarely equaled. He entered Shiloh Academy, Lamar county, Texas, and continued at that institution two years, and was conceded to be the most brilliant pupil at that seat of learning in mathematics and every department which claimed his attention. His pecuniary resources being exhausted, he left the institution before graduating, and at once entered on the study of law under Judge Kimbal at Paris, Texas, and was there admitted to the bar in the fall of 1868. In 1869 he commenced practicing law at Dardanelle, Yell county, Arkansas, under exceptionally favorable circumstances, which indicated a useful and brilliant career. He rode the fifth circuit, and had a clientage throughout that jurisdiction, and a great number of warm friends and hearty supporters. In 1874, when the long disfranchised element became enfranchised again, the democracy of the senatorial district, composed of the counties of Yell and Logan, nominated and elected Joshua W. Toomer to a seat in the State senate when the brilliant young man was but twenty-eight years of age. He had fine command of language and spoke the purest English, and always held and delighted his audience from the opening to the concluding sentence, either in court or on the hustings, and was pleasant and very popular with his fellow men; added to this, his attainments in his profession and literature were sufficient to have enabled him to build a Doric fame if

wine had not clipped his wings and cut off his flight to the summit. He died on the 25th of December, 1880, before entering the meridian of manhood, and we will "know him no more forever" in the walks of men.

He was an ornament to, and the life of the social circle — was devoid of guile, innocent of all questionable methods by which designs are accomplished, ends attained. He was rarely moved to entertain or give expression to ill-will, but, when so moved, it was because he had a strong, broad basis for it. He had a keen appreciation and relish for refined wit, and irony and sarcasm when provoked or justified — he loved his friends, defied his enemies. He did not belong to that negative, passive character of men who will worm and edge their way through life without jostling up against any of its rough edges — such men are incapable of coping with the great emergencies of life. He was an honest, unfortunate man, and the moral of his life, if studied and heeded by the young and the old, will be of greater benefit to mankind than if he had been without fault and had reached "fame's eternal camping-ground," because, like the light-house on the ocean it points, where vessels go down.

HON. JOHN S. LITTLE, GREENWOOD.

Hon. John S. Little, the son of Jesse Little, an old pioneer, was born on his father's farm in Sebastian county, Arkansas, March 15, 1851. The life and history of this young man is phenomenal. When he was old enough to go to school, the war was in progress, and the common schools of the vicinage were closed, thus closing the door and striking off all educational facilities until he was seventeen years old. Up to this period of life he was actively engaged in the discharge of the numerous and constantly-recurring demands on the farm-boy, and scarcely knew a letter in the alphabet. But he was ambitious, and when an opportunity for mental culture did present itself, he utilized it to his utmost capacity, and advanced rapidly in the log-cabin school; quitting that, he went one session to a higher graded school at Cane Hill, Arkansas, the sum total of educational acquirements being limited to a common-school education.

Quitting school thus early, he borrowed some law books, re-



JOHN S. LITTLE.

tired to his father's farm and began preparation for a remarkable career. He was admitted to the bar in 1873, and in the fall of 1874 moved to Paris, Logan county, and commenced his professional career, and was, the same fall, elected prosecuting attorney for the twelfth judicial circuit, and was for three successive terms elected to that office, being an incumbent altogether eight years. To say that he was successful and discharged the duties imposed by the office satisfactorily would be leaving half unsaid, and to say that he was the ablest occupant of that office in the twelfth circuit would likewise be leaving half unsaid. He was eminently successful; his great forte lies, not in brilliant sallies of wit and flashes of oratory, or the display of great learning, but in an intimate knowledge of human nature, as developed in the average man, and in his wonderful capacity to utilize and apply it to every phase of a *nisi prius* trial. He is *sui generis*. I have never met a parallel, or any man who approached it. His learning is not from books, but from the great world of nature, and the versatility of genius displayed in its application is wonderful, and at times startling. His similes, his comparisons, his illustrations are all taken from the humble walks of life, and are adapted to the capacity of the simplest minds. He never goes beyond the capacity, the circumference of the average juror's powers of comprehension, and herein, before a jury he is strong and great and powerful, and when he takes his seat, all that he has said and done seems but the crystallization of simplicity, where the great and the small mind can meet, without discord or dissent, on common ground. But I despair in the effort to photograph him with the pen; none but a master can do that. He voluntarily gave up the office of prosecuting attorney in 1884 to accept the democratic nomination for the legislature, and was, by a large majority, elected from Sebastian county. For the last two years he has been largely engaged in criminal practice in the twelfth circuit, during which time he has defended twenty murder cases, and sixty to eighty other felony cases, and *has an unbroken record of acquittal*.

The pen of the biographer can neither add nor lend any thing to these brilliant achievements. In 1886 he was a candidate for the office of circuit judge in the twelfth circuit, composed

of the counties of Sebastian, Crawford, Logan and Scott, and carried every county in the circuit, both at the primary and general elections. His affable and magnetic manner, combined with his great knowledge of human nature, are almost resistless factors in the political arena, and make him a great favorite with the masses, and a Hercules in the pathway of an opponent before the people. It was much feared by the old members of the bar, when it became known that he would succeed to the office of judge, that he would fall below the standard required for that high office, but these fears vanished after he went the first round of his circuit. So lawyers on the circuit tell me.

JUDGE WILBUR FISH HILL, LITTLE ROCK.

Judge Hill was born on a farm near Clarksville, Red River county, Texas, the 15th of March, 1844, the son of Bernard Hill, an educated, polished gentleman, born in Virginia, the descendant of an old colonial family. Young Hill spent the early years of his life in the pursuit and wild diversion of a "Texas cow-boy," on the Brazos river, alternated by occasional attendance on the village school, where he learned rapidly, and early acquired the rudiments of an education, but was carried away on the resistless flood of that patriotic tide which swelled the southern armies to their maximum strength, and filled their rank and file with the best blood of the south. On his eighteenth birthday he volunteered his services to the Confederate States, and joined her armies under General Albert Pike, and loyally followed her banners until the echo of the last gun died away and closed the history and drama of a patriotic war.

He participated in the battles of Prairie Grove, Arkansas, and Mansfield, Louisiana, and was shot down and severely wounded in the latter battle. After the close of the war, the ragged, sun-burnt youth, with four years' rough experience in war, matriculated at McKenzie College, Texas, and after thorough preparation in that institution in the junior branches, entered Cumberland University, Tennessee, and graduated in that institution, in both the literary and law departments, with the highest honors, leaving that school in May, 1872, a ripe scholar



WILLIAM F. HILL.

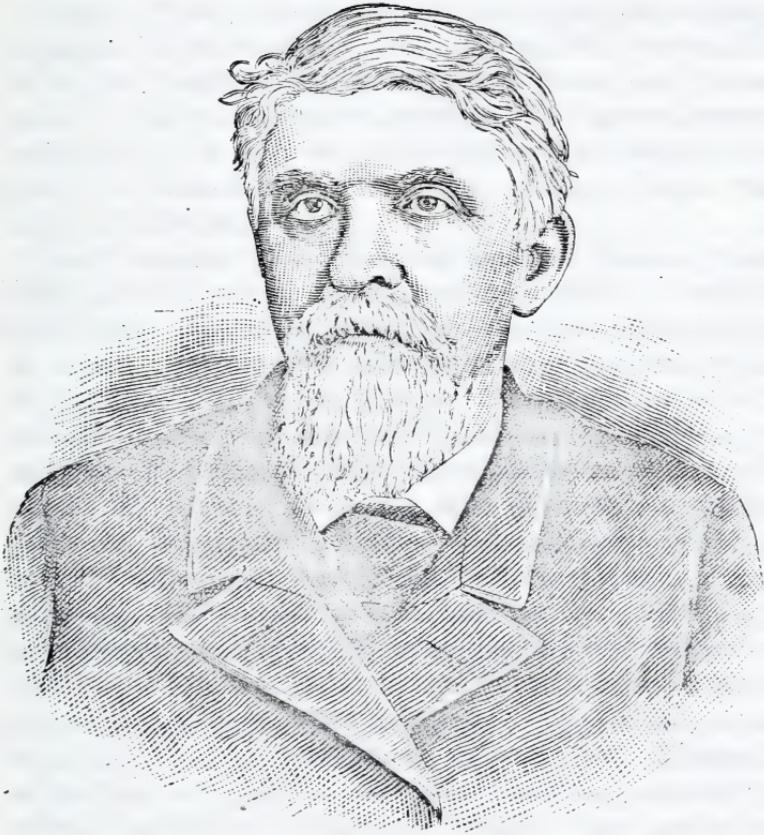
and thoroughly qualified to indulge that taste for learning which he inherited from both paternal and maternal lines. In June, 1873, he opened his law office in Little Rock, where he has ever since remained. At the commencement of his professional career, with him, as with most young lawyers, briefs were few, but he idled away no time for want of work. He saw a fine and remunerative legal field invitingly open before him, courageously embraced it, and essayed the duties and responsibilities of legal authorship, in the thorough preparation of the civil branch of that most admirable treatise, "The Arkansas Justice," a remarkable production for one so young and inexperienced as the author was when he executed the work. The merits of the performance soon made the book very popular, and justly so, and it was early a potent agent in establishing the just claims of the young man to high consideration. The first edition of the work was long since exhausted, and the work is now (1886) undergoing another edition. In 1884 the democratic party of Pulaski county nominated and elected him to the office of probate and county judge, and, in 1886, he was again nominated and elected by the same party as successor to himself. When he entered on the discharge of the duties of that office, he found the credit and scrip of the county much depreciated—maladministration of that office in reconstruction times had crippled the large resources of that populous and wealthy county. Here was indeed a fine field in which to test and measure the fidelity of the public servant and the untried administrative ability of the judge.

The county was destitute of public buildings, her exchequer was bankrupt, but, in the short compass of two years, a splendid jail has been built and paid for, a court-house, to cost about \$75,000, contracted for, and her county scrip commands one hundred cents on the dollar in the market. The county was prostrated with judgments against it amounting to \$300,000, which was recently (1887) funded by Judge Hill—the county bonds sold at *par*, and the judgments paid off. He has developed great executive ability. These facts pointed and led the way to the succession, and crowned the triumph with greatly-increased majorities. Pulaski county has long been

noted for her hot political contests. Judge Hill, during the last canvass, developed into a fine speaker on the hustings, where his wit, humor, irony and sarcasm crystallized in the bowels of the opposition. He is a scholar—his scholastic acquirements at college embraced Greek, Latin, French and the German languages, and the higher branches of mathematics; he is an enthusiast of books, especially that character of works embracing the weighty and substantial, rather than the light and trivial, fields of learning; this taste is both cultivated and inherited. Aristotle, Bacon, Plato, Kant, and works of kindred character, feed the demands of his cultured mind. Buckle's *History of Civilization* is far more attractive to him than all the metaphysical disquisitions of Dugald Stewart, and that class of writers. On all questions he is a very pronounced and independent thinker, and measures every question by the standard of his own attainments. The author for ten years has enjoyed a very intimate acquaintance with Judge Hill, and possesses many facilities enabling him to form this judgment. As a lawyer he has attained high standing, and deservedly so.

JUDGE ISAAC C. PARKER.

One of the greatest amongst the many blessings conferred on mankind by our revolutionary ancestors is traced to their abolition of hereditary offices, privileges and titles, in which they threw open all the avenues and highways to fame as freely to the poor plow-boy and mechanic as to the lordly strippling and conceited heir to millions. America's greatness and her transcendent destiny owe as much to that fiat as to all other causes. The patent of nobility, impressed with the seal of a king, is as apt to descend to a noble idiot as to a statesman, jurist or philosopher. The only patent to nobility recognized by our ancestors, and sanctified in organic laws, bears alone the signet of the Creator. Under the beneficent operation of this wise system, which calls into requisition and utilizes the talents of all her sons, our government and people cannot be otherwise than great. Under it the shoeless plow-boy, toiling in the fields for food and raiment, may educate himself in the indulgence of a noble ambition, and aspire to the highest offices in



ISAAC C. PARKER.

the gift of the people. These reflections are not only inspired by the life of the man we are now sketching, but also by the example and heroic efforts of many others mentioned in this book. The lives of such men are valuable acquisitions to the permanent history of any country—they lend inspiration to the aspirations of noble youth and mature manhood.

Isaac C. Parker was born of poor but highly respectable parentage, in Belmont county, Ohio, on the 15th October, 1838, of English lineage, which cannot, at this distant day, be easily traced by the most zealous biographer. His paternal ancestors emigrated at an early day from England and settled in the colony of Massachusetts. His father, Joseph Parker, was a native of Maryland.

Jane Shannon, his mother, was born in Belmont county, Ohio, and belonged to a very prominent family of early pioneers there. Her uncle, Wilson Shannon, was twice governor of Ohio, a representative in congress from that State, governor of Kansas, and minister to Mexico. The mother imparted her strength and force of character to the son, to whom she transmitted a robust body, on which was engrafted an equally robust mind. The boy toiled on the farm until he was seventeen years old, occasionally attending the neighborhood common school in winter, and rapidly absorbed every species of useful knowledge which came in his mental pathway. At the age of seventeen he was qualified to teach the English branches well, which he did for four years, dividing his time between teaching and attending Barnesville Academy. Early in life he determined on the law as a profession, and was proud and ambitious to work out and mold his own destiny unaided, pecuniarily, by others: As a lawyer, he educated himself — any man of sufficient learning and will power may do it — and in 1859 located at St. Joseph, Missouri, and began there the practice of his profession, and advanced rapidly in professional reputation and preferment. The mayor and aldermen of St. Joseph, for three successive years, elected the young man city attorney, his services in that capacity ending in 1864. The republican party, in November, 1864, appointed him presidential elector. At the same time he was elected State's attorney for the ninth judicial district of Missouri, and held the office two years. In No-

vember, 1868, at the age of thirty, he was elected judge of the ninth judicial circuit of Missouri, for six years. In 1870 the republican party of the St. Joe district nominated him for congress, and triumphantly elected him at the November election; he resigned the office of judge when he accepted the nomination. In 1872 he was again nominated and elected to the forty-third congress. In the forty-second congress he was a member of the committee on territories and chairman of the committee on expenditures. In the forty-third congress he was on the committee on appropriations — Garfield chairman. He took an active part in Indian affairs. In 1875 President Grant nominated Judge Parker to the office of chief justice of Utah, and he was confirmed by the senate, but, at the request of the president, he declined the office, to accept a better position—that of United States district judge for the western district of Arkansas, which he still holds.

The jurisdiction of this court embraces a large area of the State, and the five civilized tribes in the Indian territory — Creeks, Cherokees, Choctaws, Chickasaws and Seminoles. The judicial labor involved is more than that required of any other judge in the United States. The criminal calendar, embracing crimes and misdemeanors growing out of an infraction of the intercourse laws — murder, arson, larceny, bigamy, and the revenue laws — constitute the principal part of the business.

Judge Parker is an able lawyer, an able jurist, both in the civil and criminal branches of the law. This is the universal expression of all competent to judge. He is eminently social in character, a fluent and fine conversationalist, and is possessed of fine literary attainments. The author has, a great number of times, been the victim of mistaken identity, in being addressed as Judge Parker. On one occasion a minister of the gospel approached me and desired to sell the judge some fine stock. I assured his reverence that he was mistaken in the man. With a look of astonishment he declared that he was not mistaken, that he had listened to me the year before deliver one of the finest orations he had ever heard, and that he could never forget Judge Parker.

On another occasion the judge passed sentence on a young man convicted in his court on a charge of robbing the United

States mail. The mother of the young convict became extremely solicitous for a pardon, and frequently importuned the judge to sign her petition to the president, but he bowed his neck and very firmly refused. A few days after this the old lady walked up to the author on the street, and to emphasize her indignation made a very ugly mouth at him. Pardon me, dear madam, I said, you have mistaken me for Judge Parker; I am not the man. "Yes, you are," she said, "and you are now ashamed of your name on the streets, and deny it, and ask my pardon. Betsy Jones don't pardon such men as you are; no sir, never."

HON. JAMES H. BERRY, BENTONVILLE.

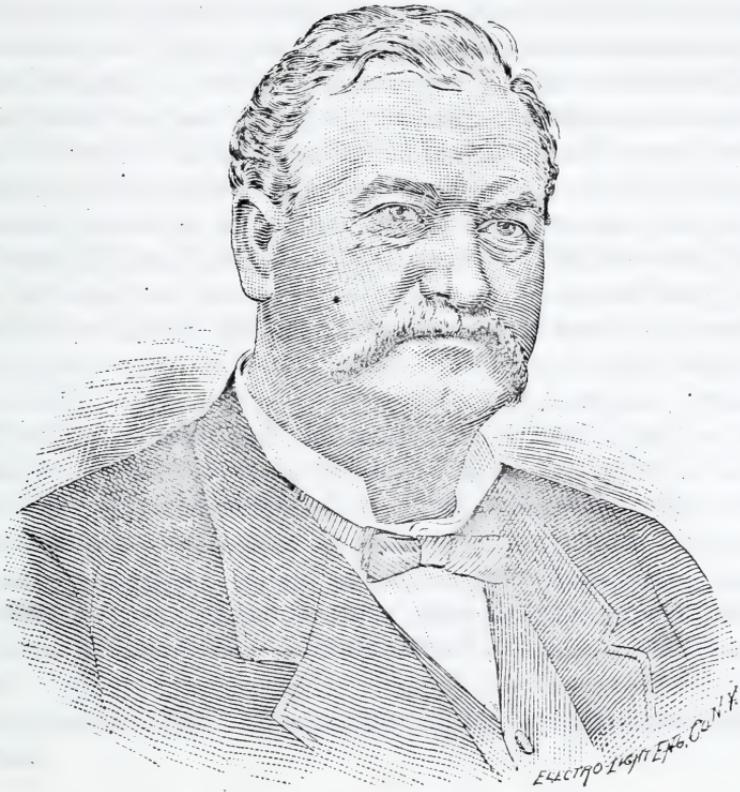
Hon. James H. Berry was born in Jackson county, Alabama, on the 15th day of May, 1841. In 1848 his parents removed to Carroll county, Arkansas, and settled the locality which has taken its name from the family, and grown into the town of Berryville. Here the boy received a limited education at the village school, which was interrupted by the civil war, and never again resumed except in the privacy of his own studio, after the return of peace. In 1861 the martial spirit of the young man led him from the school-house into the rank and file of the Confederate army. He joined the Sixteenth Arkansas infantry, and was commissioned second lieutenant. He fought on the bloody field of Shiloh, in April, 1862. On the 4th of October, 1862, at the battle of Corinth, he lost a leg at the head of his column, which disabled him from further participation in the war.

After the return of peace he taught a common school for a livelihood, and read law industriously, at spare intervals, from borrowed books, and was admitted to the bar in November, 1866, by Judge Thomas Boles, the circuit judge, who has since filled many Federal offices. The career of the young man since his admission to the bar has been phenomenal, although the prospect was any thing but inviting at the beginning. A domestic episode will here serve to illustrate the impenetrable veil which then shadowed the future of the coming man. In October, 1865, he married the accomplished daughter of that good but stern old citizen, James F. Quail of Ozark. It was

the old story of love defying opposition, and ending in a runaway marriage. The defeated, irate father saw no promising future for his daughter who had married a penniless, one-legged school teacher, and he closed the door on him, and refused to recognize or speak to him until he became the chief executive of the State. To this circumstance Governor Berry owes his rapid advancement and great political fortune. It fired the heart and kindled the ambition of the noble woman who honors him as wife. She recognized and accepted him for his intellectual and moral worth. The vulgar and miserable ambition of gold-getting did not corrode her heart into commerce of the affections. Her noble inspiration pointed her husband onward and upward until the crippled and maimed soldier's wife became the bride of the legislator, jurist, governor and senator in the congress of the United States. Eighteen eventful and busy years rolled away to swell the tide of the past, and these years in the end brought to the idolized wife a priceless pearl, a civic crown — she was mistress of the executive mansion of a great State. Though gentle as the dove she had the heart of the eagle, and on tireless wing had directed and consummated a lofty flight. The iron in her father's Roman heart had melted in the shadow of years and his children's glory. The penniless soldier of "The Lost Cause" had become the child of fame, and the idol of the State — rich, not in the plebeian sense of gold, but in the greatness of honorable fame nobly achieved. No artist, no brain, no pen can ever paint or tell the ineffable tide that flooded the heart of the loving wife and noble daughter, as she looked on the scene of reconciliation. The recollection of that elysian hour, and the glorious consummation it wrought, the ambition and the toil it ennobled and sanctified, are hidden away in the heart, like gems in the deep caverns of the sea. Governor Berry, in a letter to the author, says: "Whatever of success I have had in life is attributable to my wife." In August, 1866, he was elected to the legislature from Carroll county. After his return from the legislature in 1867, he began the practice of his profession in Carroll county, but did very little practice until after his removal to Benton county, in December, 1869. After his removal to Bentonville he was in partnership with his brother-in-law, the Hon.



JAMES H. BERRY.



HON. JOHN B. JONES.

Samuel W. Peel, a member of the forty-eighth, forty-ninth and fiftieth congresses. In 1872 he was elected to the legislature from Benton county. At the extraordinary session of 1874 he was elected speaker of the house. In 1876 he was elected president of the democratic State convention. In 1878 he was elected judge of the fourth circuit, and served the people in that office four years. In 1882 he was elected governor of the State by a majority of twenty-eight thousand four hundred and eighty-one in a total vote of one hundred and forty-seven thousand one hundred and sixty-nine. He was not a candidate for re-election, and would not have had any opposition in the democratic ranks if he had wanted the nomination, but he added another step to the ladder of his ambition and entered the field in an exciting and protracted contest for the United States senate, wherein Hon. J. K. Jones and Hon. Poindexter Dunn were formidable rivals. Hon. J. K. Jones was elected for six years, and Governor Berry was elected in March, 1885, to fill the unexpired term of Governor Garland, which expires in 1889. Thus rapid has been the unchecked flight of one of the children of fame and fortune. If he lives, a great political battle will be fought, both in and out of the halls of State legislation, when the time comes in January, 1889, to choose his successor. Governor Berry has a fine personal appearance, an open, frank, generous and commanding countenance, and as his history indicates, much magnetism — powerful factors when competing for popular favor. No act of his life can be characterized as a stain on his character. In this he is singularly happy and fortunate for one who has rode down all opposition in the road to political fortune.

HON. JOHN B. JONES, LITTLE ROCK.

Hon. John B. Jones was born on a farm in Tuscarawas county, Ohio, on the 28th of June, 1843, and his name and life, though yet quite a young man, is another confirmation of what an ambitious poor boy may accomplish by honest labor and faithful application, in removing and overcoming obstacles which rise up in his pathway, in an enlightened country where there is no aristocratic monopoly and artificial precedence to dwarf the aspirations and overshadow the abilities of the citi-

zen whose only capital lies in the honest application of native ability.

Mr. Jones' youth, up to years of majority, was spent on a farm, in the discharge of all the duties and demands which that avocation and station in life imposed, with but a few short months in all that time given to the common school of the neighborhood. But he studied and toiled and employed all his spare moments in educating himself, and thus became a competent, self-made and self-reliant man when he attained to years of majority. When he was twenty-one years of age, he had accomplished a good, practical English education, and was, at Taylorsville, Illinois (where he had removed in December, 1864), by competent authority, pronounced qualified to teach school, which avocation he followed for three years, during which time he pursued his legal studies with great avidity. In April, 1868, he was, by the supreme court of Illinois, admitted to the bar of that State, and immediately entered on the practice of his profession at Taylorsville, Illinois. In 1878 he was elected to the legislature of Illinois and served two years in that capacity, and was a member of the judiciary and other important committees. In March, 1882, he moved to Little Rock, where he has been actively engaged in the discharge of professional duties ever since, chiefly in landed litigation, in which he has achieved distinction as an able land lawyer, and deservedly so. He is a man of commanding height and avoirdupois, and resembles General Albert Pike when young more than any other man I ever met. He is now president of the Real Estate Exchange of Little Rock, an active institution with ramifications extending throughout the north and west. Some of his contributions to the Bar Association of Arkansas are models, indicating much learning and research, and throwing a flood of light on difficult questions.

GENERAL JAMES CAMP TAPPAN, HELENA.

General Tappan is a native of Williamson county in the neighboring Commonwealth of Tennessee. Through his mother, Miss Camp of Virginia, he is descended from the old revolutionary stock that gave the United States her fourth president in the person of James Madison. His mother was



GEN. JAMES C. TAPPAN.

niece to that distinguished patriot and statesman. General Tappan enjoyed great educational facilities; he was prepared for college at Exeter Academy, New Hampshire, from which he was sent to Yale College, and there graduated in the higher branches and the classics. Among his classmates were General Dick Taylor of the Confederate army; Judge Wood of the supreme court of the United States, and Mayor Harrison of Chicago. After leaving college he went to Vicksburgh, Mississippi, and there read law with that very able and distinguished lawyer, George S. Yerger, a native of Wilson county, Tennessee. He was licensed to practice law in 1848, and settled in Helena the same year, where he has continued to reside ever since, except the years he gave to the military service of the Confederate States. He married the daughter of Judge Samuel Anderson of Tennessee, and niece of the late Governor Aaron V. Brown. In 1851 he was elected to the house of representatives in the State legislature. But political strife was not congenial to a man of his refined and sensitive nature, and he voluntarily retired from the political arena after serving his constituents one term. He was receiver of the United States land office at Helena from 1852 to 1860.

In 1861 he embarked in the military service of the Confederate States and was elected captain of a company, and on joining the regiment was immediately chosen colonel of the Thirteenth Arkansas Volunteers. The regiment was first under fire at the battle of Belmont, Missouri, on the 7th of November, 1861, when it received the shock of battle, and held General Grant with his overwhelming numbers in check until reinforcements came from Columbus and swept the field like a hurricane. Colonel Tappan handled his regiment magnificently, and the signal victory achieved at Belmont is largely due to his skill and the bravery of his men. The regiment next came under fire on the 6th and 7th of April, 1862, at the ever-memorable battle of Shiloh, where the gallant old Thirteenth Arkansas won for itself imperishable fame, and for its dauntless and heroic colonel a soldier's highest reward — promotion for gallantry — a brigadier's commission. General Tappan, after the battle of Shiloh, was put in command of a brigade, and transferred to the trans Mississippi department. He fought

his brigade in the battles of Pleasant Hill, Louisiana, and Jenkins Ferry, Arkansas, and surrendered his brigade at Shreveport, Louisiana, in April, 1865. After the surrender he returned to Helena and reopened his law office, to rebuild the fortune dissipated by the war. He has been an active political adviser in the democratic ranks, but has steadily ignored office-seeking. He has often given the party the benefit of his wise counsel when assembled in State conventions, and in 1884 was a delegate to the national democratic convention at Chicago which nominated Cleveland for president. In 1885 he was appointed on the board of visitors to West Point. General Tappan enjoys the confidence and esteem of his fellow citizens in an eminent degree. He is a wise counselor, a zealous advocate, and an able lawyer.

W. W. WILSHIRE.

Judge Wilshire was born in Gallatin county, Illinois, September 8, 1830. His paternal ancestors came from England, and settled in Virginia at an early period in her colonial history, and their descendants were staunch supporters of the revolution headed by Washington. Mary Logan, his mother, the first cousin of the late General John A. Logan, emigrated from Ireland. The tide of emigration, in the decade succeeding the revolution, set strongly westward from the older colonies, and brought with it across the Alleghanies, the paternal grandparents of our subject, in the track of Daniel Boone, and they located in "the dark and bloody ground" in 1795. These early settlers in the wilderness, surrounded as they were by hostile savages, became expert riflemen and the best of soldiers. The father of Judge Wilshire shared the perils and the honors of the battle of New Orleans. From Kentucky he moved to the frontier settlements of Illinois, where he died in 1835, leaving a widow and three children. The mother and children then moved to Rock Island county, in northern Illinois — then in "the far west" — where but meager educational facilities were to be had. But the heroic and self-sacrificing mother embraced every agency to enable her son to tide over the misfortune, and in this way supplied the necessity for academy and college. No seat of learning bears his name on its roster, but self-reliance and a noble resolve made him mas-

ter of a good education. In 1852 he was seized with the prevalent gold fever, and went to California, where he experienced the varied fortunes of the gold hunter. He remained on the Pacific coast two years, and returned to the old homestead in 1855, richer in the acquisition of more experience than money.

In 1859 he commenced the study of law under the direction of an able local lawyer. In the summer of 1862 he recruited a company for the Federal service, which was incorporated in the One Hundred and Twenty-sixth Illinois infantry, of which he was commissioned as major. After two years' service in the army he resigned, and, after the conflict ended, located in Little Rock, where he was enrolled in the State and Federal courts. In the fall of that year he was associated in practice with the late Chief Justice English. In July, 1867, he was commissioned as solicitor-general of the State of Arkansas. In July, 1868, he was honored with the appointment of chief justice of the State, which position he resigned early in 1871, and resumed the practice of his profession at Little Rock. At the general election of 1872 he was a candidate, in the third district, for a seat in the forty-third congress, being opposed in that contest by Hon. T. M. Gunter of Fayetteville. The board of canvassers refused to award a certificate of election to either, and both applied to congress for recognition and admission, and the committee on elections decided that, on the *prima facie* showing, Judge Wilshire was entitled to the seat, but, on final hearing, Gunter was seated, about the close of the forty-third congress. Both again, in the fall of 1876, contested for a seat in the forty-fourth congress, and Judge Wilshire was elected because of the eminent and great service he rendered the State in the Brooks-Baxter war. In all of his relations, both public and private, in Arkansas Judge Wilshire has been eminently conservative, and has never in any way tarnished his good name by joining the crew of adventurers who were intent on spoliation and public plunder. In the hour of the people's greatest need he was in a position to aid them greatly, as the only conservative representative they had in congress, and it was cheerfully and ably accorded. But for him, in all probability the arch-conspirators to overthrow the State government in 1874 would have succeeded.

The author is aware that the friends of other eminent and good men claim for them the chief instrumentality in thwarting the conspirators, and reducing their treason to a miserable fiasco. But, delicate as the question is, where so many good men crowd to the front, the author is decidedly of the opinion (founded on evidences from public and private sources before him) that no one man contributed so much as Judge Wilshire to that overthrow. The conspirators acted with perfect concert and unanimity. As soon as the oath of office was administered to Brooks by the chief justice, the wires flashed the news to the conspirators at the Washington end of the line; and on the same day (15th April, 1874) Powell Clayton, Stephen W. Dorsey, O. P. Snyder, Asa Hodges and W. J. Hines (all the Arkansas delegation in congress, except Judge Wilshire) indited and signed a telegram to Brooks, congratulating him on his success in obtaining possession of the executive office. That night one of their number presented the telegram to Judge Wilshire for his signature, and was refused, for reasons stated in his protest to the president. That night he prepared the following protest and delivered it to the president in person early on the next day; and when he arrived at the executive office he found that the delegation above named had preceded him, and had urged the recognition of Brooks as governor, under the assurance that it was unanimously desired by the delegation. When the protest was presented at the request of Judge Wilshire, the whole question was referred to the attorney-general for his opinion. This action proved the salvation of the Baxter government. The following is the protest referred to:

WASHINGTON, D. C., *April 16, 1874.*

SIR — It was with feelings of the most profound regret that I learned last night, by private dispatches, that the slumbering insurrectionary feelings of the defeated reform element of Arkansas had again broken loose to disturb the peace, quiet and good order that has prevailed there for the last six or eight months, as you have doubtless been advised ere this. Joseph Brooks, under a decision of an inferior court of the State, directly in opposition to the decision of the supreme court

upon the same identical question, has, I am informed, taken the oath of office, and with an armed body of men, previously and secretly organized for the purpose, forcibly ejected Gov. Elisha Baxter from the executive rooms at the capitol at Little Rock, forcibly breaking open the State armory and seized the arms of the State, placing them in the hands of his supporters. I am advised that your excellency has been, or will be, called upon to interpose with the military of the United States to maintain this usurpation and violence. I, therefore, as one of the representatives from that State, desire to submit to your excellency the following statement of the case for your consideration:

First. Under the constitution of the State of Arkansas, the right to the occupancy of the office of governor and the executive State officers can be contested and determined *only by the general assembly.*

Second. The constitution of the State of Arkansas confers upon the senate, in the presence of the house of representatives, the power and duty of canvassing the vote and determining therefrom, at each general election at which a governor and other executive officers are to be elected, who of the several candidates therefor was elected.

Third. On the 6th day of January, 1873, on the assembling of the general assembly of Arkansas, the senate of that State, in the presence of the house of representatives, did canvass the vote for governor cast at the election held November 5, 1872, and declared that the Hon. Elisha Baxter had received a majority of about four thousand over Joseph Brooks, and therefore declared Elisha Baxter duly elected; whereupon Governor Baxter immediately, in the presence of the general assembly, took the oath of office and entered upon the duties of that office, which duties he has continued to perform ever since.

Fourth. Joseph Brooks brought suit in the circuit court of Pulaski county, Arkansas, for the recovery of the office of governor about one year ago; and about the same time, on his relation, the attorney-general moved in the supreme court of that State for a writ of *quo warranto* against Governor Baxter, upon which motion, after an exhaustive argument by the ablest counsel in the State, and a deliberation of several

months, that court solemnly declared that neither that court or any other tribunal in the State had jurisdiction to try and determine the contest of an election for the office of governor, upon the distinct grounds that the *general assembly of the State, under the constitution*, had the sole power to try and determine such a contest.

Fifth. In a suit brought in the circuit court of Pulaski county, by James R. Berry against Stephen Wheeler, for the office of auditor of the State during last year, in which the counsel for Mr. Wheeler, the incumbent of that office, applied to the supreme court for a writ of prohibition, restraining the circuit court from further taking cognizance of the cause, and at the present term of the supreme court, the rule for the writ was made absolute, the court holding that the circuit court had no jurisdiction, the constitution conferring that power on the general assembly *alone* in such cases.

All of these facts will be found by reference to the constitution of Arkansas (§ 19, art. 6), the journals of the last session of the general assembly, and the decisions of the supreme court of Arkansas, in the cases of *The State v. Elisha Baxter*, and *James R. Berry v. Stephen Wheeler*, at the present term of the court. From which the conclusion is irresistible that the courts of the State have no jurisdiction in the premises; and the present governor, Elisha Baxter, having been declared by the senate, in the manner prescribed by the constitution, duly elected as the governor of that State, until the general assembly shall, in the exercise of its constitutional power, otherwise declare, he must be regarded as the rightful governor.

All of which is, in the interest of peace, good order, and the prosperity of the people of the State of Arkansas, respectfully submitted.

(Signed)

W. W. WILSHIRE,
Representative Third District, Arkansas.

His Excellency,

U. S. GRANT, *President of the United States.*

All the legal questions involved in this protest were found by George H. Williams, attorney-general of the United States, to be correctly stated by Judge Wilshire; and on the 15th of

May, 1874, he so advised the president in an able opinion. In this connection it must be stated that able and exhaustive arguments were filed with the attorney-general by Pike and Johnson, and Judge U. M. Rose, as well as by Judge Wilshire and Governor Lowe in behalf of the Baxter side of the controversy. On the day this opinion was delivered to the president, he issued his proclamation, from which the following extracts are copied: "Whereas, certain turbulent and disorderly persons, pretending that Elisha Baxter, the present executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such executive, and other authorities of said State; and Whereas, Elisha Baxter has been declared duly elected by the general assembly of said State, as provided in the constitution thereof, and has for a long period been exercising the functions of said office, into which he was inducted according to the constitution and laws of said State, and ought by its citizens to be considered as the lawful executive thereof." * * * * "Now, therefore, I, Ulysses S. Grant, president of the United States, do hereby make proclamation, and command all turbulent and disorderly persons to disperse and retire," etc. And thereupon the conspirators did retire, covered with the odium their acts inspired. For the conspicuous part Judge Wilshire took in bringing about this result, the legislature of Arkansas, then in session, passed the following complimentary joint resolution:

A Joint Resolution of Thanks to Hon. W. W. Wilshire.

Be it resolved by the General Assembly of the State of Arkansas: First. That this general assembly tenders its sincere thanks to the Hon. W. W. Wilshire, representative in congress from the third congressional district of the State of Arkansas, for the firm, manly and patriotic course he has taken at Washington, to maintain and uphold the lawful government of the State of Arkansas, and to bring to a happy termination our recently existing troubles.

Second. That the senate be requested to concur herein, and that a certified copy of these resolutions be forwarded to the Hon. W. W. Wilshire Approved May 29, 1874.

The failure of the conspirators to overthrow the Baxter government did not convince them of the futility of further effort in that direction. After the adoption of the constitution of 1874, and the peaceable and eminently satisfactory organization of what was then termed, in the political literature of the day, "the Garland government," these vampires and enemies to the spirit and genius of our free institutions, flooded the north with bloody-shirt falsehoods and inflammatory appeals against what they termed the unrepentant rebel, to influence the president and the dominant party in congress to overthrow the Garland government and reinstate them in power. The basis of their claim was founded in the assumption that the constitution of 1874 is a gross fraud and unauthorized limitation on the assumed rights of republican adventurers in Arkansas; that that organic instrument so antagonized the disfranchising constitution of 1868 as to cut off and destroy radical ascendancy in Arkansas; that the people ordained the constitution of 1874 in utter disregard of the assumed rights of the odious oligarchy established by the constitution of 1868.

That Governor Garland and every officer under him were revolutionists, usurpers and traitors to the laws and institutions of Arkansas. That Governor Baxter had joined in the conspiracy and had made a peaceful success of the revolution by surrendering the State government to Garland and his co-conspirators. In consequence of which one V. V. Smith, in virtue of his office as lieutenant-governor under the Baxter government, had, in virtue of the latter's political demise before his term expired, become the legitimate governor of Arkansas. The conspirators to overthrow the Garland government fortified themselves with the legal opinion of T. D. W. Yonley (who had been chief justice under the Murphy government and attorney-general under the Hadley government) as to the soundness of their conclusions. He advised Mr. Smith that he was the legitimate governor of Arkansas, that the Garland government was a usurpation and a political bastard. As a legal production, the document is remarkable for very great research. All that is wanting in wisdom is amply compensated for in length and laborious effort. It is a valuable document, and

ought to be preserved in the archives of the State, because it so happily illustrates the easy and complacent facility with which radical leaders satisfied conscientious misgivings about legal questions when the rights of rebels were involved.

On the 13th of November, 1874, after the receipt of this legal solution of the political problem, Smith issued a proclamation to the people of Arkansas as their governor, informing them that Baxter had abdicated, and one Garland had usurped the office of governor during his absence. But he kindly assured the people that he would not resort to arms to oust "Mr. Garland" unless "the president recognizes me as the governor of the State."

On the same day he made his formal call on the president, asked the national government to assure Arkansas in a republican form of government, and for aid to put down the Garland rebellion. When Smith made this demand on the president to put down the rebellion against him, Powell Clayton wired Dorsey, who was then in Washington, as follows: "If the president has any doubts about the correctness of Governor Smith's representations, of his case against Garland and the revolutionists, I request him to telegraph the congressional committee, who are possessed of official information after an investigation of nearly eight months." On the next day Dorsey, of "Star Route fame," fell into line, and addressed the president in the interest of "Governor V. V. Smith," and urged the speedy suppression "of the revolutionary government under Garland." Six days after (20th November, 1874), Powell Clayton and O. P. Snyder from Little Rock sent the following telegram to the president:

To U. S. GRANT, *President United States, Washington, D. C.:*

The republicans of the State regard the government of 1863 as the lawful one, and Garland's as revolutionary. They consider the recognition of Governor Smith as being not only demanded by law, but necessary for their protection. They confidently rely on you to afford the aid necessary to re-establish the legitimate government, which, when done, they are amply able to maintain without further assistance. Messrs.

Hines and Hodges are absent from the State, but concur with us in these views.

POWELL CLAYTON.

O. P. SNYDER.

This means, Arkansas once more under radical dominion, the people will be trampled under foot by a second edition of Powell Clayton's shameless, murderous, and lawless militia.

We will now retrace our steps and go back a few months in the chronological order of events, and bear in mind the logical, lucid and unclouded opinion of the attorney-general, unqualifiedly sustaining Baxter's as the lawful government of Arkansas, and the prompt action of the president sustaining and immediately acting on the opinion of his constitutional adviser, on the 15th of May, 1874, suppressing the Brooks rebellion. In this connection the following telegram from the president to Governor Baxter, dated Washington, April 22, 1874, becomes interestingly pertinent :

HON. ELISHA BAXTER, *Little Rock, Ark.:*

I hereby approve any adjustment, peaceably, of the pending difficulty in Arkansas, by means of the legislative assembly, the courts, or otherwise, and I will give all the assistance and protection I can, under the constitution and laws of the United States, to such modes of adjustment. I hope the military forces of both sides will now disband.

U. S. GRANT, *President.*

All this clearly indicates that the president would lend no official sanction to the lawless and revolutionary schemes of Clayton, Dorsey and company, to regain illegitimate power in Arkansas. And no lawyer or statesman in the United States ever before doubted the right of the people of the several States to change, alter or modify their organic laws, so long as they did not infringe the higher Federal law guaranteeing a republican form of government to the States. But the lovers of spoliation, plunder and power, by defaming the good people of Arkansas, seduced the president from his lofty allegiance to constitutional methods, and influenced him to make an abortive

and painful record in the following message to the senate, relating to the Arkansas complications, founded on the attempt of those irresponsible adventurers to undo what the president himself had done in recognition of the Baxter government. On the 8th of February, 1875, the president transmitted to the senate the following message :

To the Senate of the United States :

Herewith I have the honor to send, in accordance with the resolution of the senate of the third instant, all the information in my possession, not heretofore furnished, relating to affairs in the State of Arkansas. I will venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was, by violence, intimidation and revolutionary proceedings, overthrown, and a new constitution adopted, and a new State government established. These proceedings, if permitted to stand, practically ignore all rights of minorities in all the States; also what is there to prevent each of the States recently re-admitted to Federal relations on certain conditions, changing their constitution and violating their pledges if this action in Arkansas is acquiesced in? I respectfully submit whether a precedent so dangerous to the stability of State government, if not to the national government, also, should be recognized by congress. I earnestly ask that congress will take definite action in this matter, to relieve the executive from acting upon questions which should be decided by the legislative branch of the government.

U. S. GRANT.

Congress wisely foresaw far more destructive revolution in the suggestions and recommendation of the president, if approved by legislative sanction, than in forty Baxter and Garland governments.

The foregoing summary of events is necessary to a comprehensive understanding of the relation then sustained by Judge Wilshire to the politics and the interests of his adopted State. He was then, as he has ever been, a conservative republican,

and was then elected to the forty-fourth congress by the aid of a large democratic vote, for the noble aid given in striking the chains from disfranchised freemen. On the 24th of November, 1874, he laid before the attorney-general of the United States an able argument in opposition to the views of the president, and in doing so antagonized, as he had previously done, the republican delegation in congress from Arkansas. He successfully maintained the right of the people to change or modify their organic laws as often as they pleased, when acting within the circumference of constitutional sanction. Smith, the pretender, was from Lafayette county; he was president of the senate, and as such signed the act of the 18th of May, 1874, providing for the constitutional convention of that year, and was himself a member of that convention. When he stultified himself by denouncing Garland as an usurper, and proclaiming himself governor, he had some misgivings of the result, which led him to some obscure retreat where the officers could not find him to execute process. Thus ended the miserable fiasco headed by Clayton and Dorsey, and, to the great relief of the people, forever retired them from the public offices and high trusts they had so much abused, and the people of Arkansas will ever remember with gratitude the noble exertions in the interest of law and justice performed, during that transition era, by Judge Wilshire. He declined the nomination for a seat in the forty-fifth congress, preferring to resume the practice of his profession, in which he is now engaged in Washington city; but he still claims Arkansas as his home. Judge Wilshire is a man of pleasant address and engaging manners, and soon wins the confidence of all with whom he comes in contact.

WILLIAM G. WHIPPLE, LITTLE ROCK.

William G. Whipple is a lineal descendant of William Whipple, one of the signers of the Declaration of Independence, who represented New Hampshire in the continental congress of 1775, and is nearly related to William Whipple, the prominent lawyer of Rhode Island, who was associated with Daniel Webster in the *Dorr rebellion* and other cases before the supreme court of the United States. He was born in Hartford



WILLIAM G. WHIPPLE.

county, Connecticut, August 4, 1834, and was classically educated at the Wesleyan Academy, Wilbraham, Massachusetts, where he graduated with distinguished merit in 1852. He also graduated at the Wesleyan University at Middletown, Connecticut, in 1857. In 1858 he graduated at the Albany Law School. In January, 1859, he began and continued the practice of his profession in Milwaukee, Wisconsin, until September, 1868, when he removed to Little Rock, where he has continued to reside and practice law. He was, by President Grant during his first administration, nominated and confirmed by the senate as United States district attorney for the eastern district of Arkansas, and discharged the duties of that office successfully and satisfactorily for three years. In 1881 he was candidate for mayor of Little Rock, but his opponent was declared elected by *three* majority. Although a republican in politics, he was, in the spring of 1887, the non-partisan choice of the people for mayor of Little Rock, and was elected without opposition. His administration of that office marks a rapid advancement in the improvement and prosperity of the city.

HON. EDWARD PENN WATSON, BENTONVILLE.

Hon. E. P. Watson was born in Van Buren, Crawford county, Arkansas, 31st August, 1848, and by his mother's side is a lineal descendant from the celebrated William Penn. His ancestors in both lines were soldiers in the Revolutionary war, the war of 1812 and frontier Indian wars. He received a good English education at the college in Fayetteville, and then read law with Major W. D. Reagan, and was admitted to the bar in 1869. He located at Harrison, in Boone county, and in 1871 was elected to the legislature from that county. In the fall of 1872 he moved to Bentonville, and in 1877 the electors of Benton county sent him to the legislature. In 1879 he was elected to the State senate from the twenty-fourth district, composed of the counties of Benton and Madison. In 1874 he was appointed major of State militia, and in 1884 colonel of the same organization. Colonel Watson is a close, logical reasoner, and all who know, assign him a high place in his profession.

L. C. HALL, DARDANELLE.

L. C. Hall was born July 26, 1839, in Denmark, Europe, where he was thoroughly educated in his native, German, French and English languages, and in the higher branches of liberal education by private tutors and governors, there being, at that time, no universities, academies or colleges in Denmark. He emigrated to the United States in 1861, and located in Cincinnati, Ohio, where he engaged in mercantile pursuits, and there continued in that occupation until 1871, when he came to Yell county, Arkansas, and engaged in agricultural pursuits. He read law and was admitted to the bar in 1876 and settled in Dardanelle, where he has remained ever since, in the active practice of his profession. Mr. Hall is a very careful, painstaking, good lawyer, and enjoys the universal esteem of his fellow citizens. He makes no pretension to oratory, but is a close, logical reasoner and a fine accountant in chancery.

JUDGE WILLIAM W. SMITH, LITTLE ROCK.

Judge Smith was born October 12, 1838, in Abbeville district, South Carolina. On the father's side he is descended from English stock, on the mother's, from Scotch—a hardy and robust combination of Celt and Saxon. The cross between the Celtic and other hardy European races has given the United States much ability and brains. This is a well-developed fact, and is no less curious to the historian and biographer than interesting as a problem to the scientist, who plods his patient and laborious way in developing the laws of evolution and reproduction.

In Mexico and the South American States, where the natives have only crossed with the degenerate Spaniard and Portuguese, to the exclusion of the hardier races from northern and central Europe, degenerate effeminacy is strikingly apparent. It was the infusion of Latin blood into the Moor and mixed races of Spain that gave her empire and greatness, and made her the dominant power of Europe for three centuries, and made such sovereigns and reigns as Charles V possible. Yes, her Latin blood gave her empire from the Baltic to the Mediterranean and Atlantic. In the United States the Celtic



L. C. HALL.

crosses have dominated every department of intellectual attainment; here they have climbed to the dome of the Pantheon and decorated it with the laurels of genius and greatness from every department of human learning. Judge Smith's paternal ancestors settled in Virginia in colonial times, but in his, as in thousands of other instances in democratic America, it is impossible for the most zealous biographer to follow up their history. His grandfather immigrated from Culpepper Court-House, Virginia, in 1791, and settled in Abbeville.

Judge Smith was fortunate in the enjoyment of every facility for the acquisition of an accomplished education, and was still more fortunate in being able to utilize and subordinate these opportunities to the accomplishment of honorable and noble ends. A thorough academical course was achieved at Cokesbury, in his native State, then a famous school under the auspices of the Methodist Church. In 1855 he matriculated at Columbia College, South Carolina, then the principal seat of learning in the State, its pride and under its fostering care and endowment. He spent three years at this seat of learning, and was graduated with distinguished honors in 1858. In 1860 we find the young scholar as professor of languages, teaching Latin and Greek in a classical school in Charleston. But he soon discovered that however worthy and exalted the calling, to him it was a tread-mill without possibilities for congenial expansion, and at the end of the year he abandoned the vocation and came to Arkansas, with the determination to become a distinguished cotton planter. With competent patrimonial inheritance to execute his designs in this direction, he purchased a body of fertile lands in Monroe county, a few weeks before the dread realities of war were proclaimed from the frowning batteries on Sumter and Charleston beach. This startled, not only the actors in the great drama, then opening to mankind, but it shook the world, and changed the orbit of civilization. The greatest chapter in the history of warfare and revolution was then opening, and bearing an impress which can only be lost when the world perishes, or man sinks in darkness. The call to war touched a well of inspiration in the young Carolinian's heart, and he responded to its patriotic impulse by hurrying to Richmond, and there joining Colonel Gregg's First regiment

of South Carolina volunteers. At the expiration of his term of enlistment in that regiment, he joined the Twenty-third Arkansas regiment, under the command of Colonel Charles W. Adams, with Simon P. Hughes as lieutenant-colonel, and was made orderly sergeant of the company; soon after this he was made first lieutenant.

In September, 1862, on the promotion of his captain, he succeeded him by election. When the regiment was reorganized, by order of the war department, O. P. Lyles became colonel and A. A. Pennington lieutenant-colonel. Captain Smith commanded and led his company in the battles of Iuka and Corinth (October 3, 4 and 5, 1862). He also commanded his company during the land and water siege of Port Hudson, where the garrison was, after a heroic defense, forced to capitulate. After the surrender of Port Hudson he made a compulsory visit to Johnson's island, in Lake Erie, where he remained leisurely contemplating the vicissitudes of war, until February, 1865, when he changed his base of operations to Fort Delaware, where his principal employment consisted in the limited storage of rations. In June, 1865, the government tendered him an excursion to Philadelphia, which, after due consideration, he accepted. There, in consideration of the miscarriage at Port Hudson and the events at Appomattox, he concluded a treaty with General Grant, by which he undertook to become self-sustaining thereafter if the United States would turn him loose and give him a chance, which engagement both parties have solemnly kept. The tower on Liberty Hall attested the compact. Without money and without a change of clothing, he left Philadelphia resting like a princess on an arm of the sea, with her hundred churches and a wilderness of domes and spires, great marts of exchange and commerce, and bazaars filled with the world's tribute of wealth; to return to the south, once as beautiful and as lovely as the green isles of the sea, but where now hung a vast pall of desolation, to find his inheritance swept away in the relentless vortex of war. True, the land survived, but with its obligations which swept it away to swell the common ruin. Who but those bearing the priceless blood of Celt and Saxon and their fusions could rise, "Phoenix like," above and superior to the ruin which bore down and

overwhelmed a great people? The war left the south one vast field of destitution and desolation. The venging Nemesis was satiated in the ruin of agriculture, commerce, manufactures, the arts and sciences, schools, churches, and all that fosters the upward tendency of a people. Every fireside could point to its noble kindred, who, with Spartan heart, honored a soldier's grave.

With moral courage and sublime heroism unsurpassed in the heroic ages, rising transcendently above all the achievements springing from the shock and clash of arms, the southern people went to work to rebuild and regain their former sphere in all these fields, and in two decades accomplished more than mankind has ever known before under such conditions. In war she maintained a fame rivaling the chivalric Greek and the fearless Roman; but in these years of peril and trial she builded a civic monument crowned with imperishable fame. The northman who conquered by force of numbers and resources bears the same blood, and under like conditions would achieve like results, but to him the opportunity is wanting to achieve fame in this higher field of glory — and may it be forever withheld. When the historian of future ages casts his horoscope down the tide of the centuries, and comes to make up the verdict, and declare the results of the mighty war between the States, he will write the civic achievements of the southern people over the archway to the Pantheon. Judge Smith began the cultivation of the arts of peace by assuming all the duties and obligations growing out of the marriage relation, in August, 1865, and for eighteen months thereafter necessity impelled him to utilize his scholastic attainments by teaching school, during which time he read law at leisure hours without the aid of any preceptor. A warm attachment sprung up between him and Colonel Simon P. Hughes in "the days that tried men's souls." They had been together at the head of advancing columns under the enemy's fire, and had together led their comrades through fields of carnage. Around the fire that lighted the soldiers' bivouacs each discovered the congeniality and nobility of his comrade's nature. When Judge Smith was qualified to enter the legal profession in May, 1867, he found an open office and open arms to receive him in the person of his old comrade, and

a lucrative practice at Clarendon in Monroe county. This partnership continued until the fall of 1874, when Colonel Hughes was elected attorney-general of the State. Judge Smith remained at Clarendon more than two years after the dissolution of the partnership, in the enjoyment of a varied and extensive practice.

In 1877 he moved to Helena. In 1882 his abilities were known throughout the State, and the democratic convention of that year nominated, and the people elected him associate justice of the supreme court of Arkansas for eight years, to succeed the Hon. William M. Harrison. He is possessed of the most pleasant, gentle and engaging manners, and all who come in contact with him feel that they have enjoyed the presence of an educated and accomplished gentleman. The people of the State feel that they have been fortunate in his elevation to their highest judicial tribunal. He is a laborious, painstaking and conscientious jurist, knowing nothing and desiring nothing but the full discharge of all the duties his office imposes.

HON. W. M. FISHBACK, FORT SMITH.

Hon. W. M. Fishback was born in Jefferson, Culpepper county, Virginia, November 5, 1831, and was classically educated at the University of Virginia. After leaving college he taught school and read law. In 1857 he left Richmond and came west, stopping in Illinois, where he remained one year prospecting for a suitable location to practice law. Here he met Abraham Lincoln, who became much attached to the young Virginian, and became his first client, by employing him to travel extensively over the State for the purpose of examining large bodies of lands then under execution in the hands of the United States marshal to satisfy judgments in favor of Mr. Lincoln's clients. This investigation was for the purpose of ascertaining how far the clients would be justified in bidding at the marshal's sale. In November, 1858, the youth pulled up at Fort Smith, where he remained one month, taking in the situation, after which he pitched his tent in Greenwood and offered his services to the public as a lawyer. Mr. Lincoln sent him his fee, and advised his return to Illinois as the more promising field. Judge Solomon F. Clark soon offered him a partnership, and they did



HON. WILLIAM M. FISHBACK.

a flourishing business until the junior was elected as a Union man to the secession convention in 1861. Mr. Fishback, like a majority of the convention, was elected on the 18th of February, 1861, as a Union man; *then* a very large majority of the people of the State favored the perpetuation of the Union. But after Sumter was fired on all hope of saving the Union vanished, and secession swept the State like a cyclone. Mr. Fishback with Mr. Garland and other prominent men bent before the revolution and rode the tidal wave of secession, voting for it, and for the appropriation of millions of money to organize and put hostile armies in the field. In this he simply followed and voted with the majority from the beginning to the end of both sessions of that memorable convention.

After the war opened in earnest, he left the State and went north. In 1864 he returned, locating in Little Rock, and edited a newspaper called the *Unconditional Union*, and on the 5th of May, in the same year, was elected by the Murphy legislature to represent Arkansas in the senate of the United States, with the Hon. Elisha Baxter as his colleague. They proceeded to Washington, but were denied admission, because the new constitution of that year had the word "white" as a qualification for the electoral franchise. Being denied admission, he resigned his commission.

In May, 1865, President Johnson appointed him United States treasury agent at Little Rock, an office fraught with vast power and discretion. *Seizure*, then, of a "rebels" property was, in a great majority of cases, equivalent to condemnation and forfeiture. In many thousands of instances in the south it was but the pretext and screen for unmitigated robbery. The "abandoned property act" poured a flood of thieves throughout the south, whose ravages were worse than wars and pestilence. The honest treasury agent was the exception and not the rule. The author was robbed of \$6,000 worth of property, under the specious pretenses founded on this act, which was under lock and key when taken and *never* returned. Colonel Fishback stands out in bold contrast and relief as an honest officer, who used the vast power and discretion vested in him for the protection of the impoverished and helpless citizens, a fact which will always soften the rigor of

criticism and outweigh all his mistakes and foibles. He was elected to the legislature from Sebastian county in 1872, but his bold and independent action and modes of thought were too imperious for the "Clayton curb," and, under the political form of legalized robbery then in vogue, he was not deemed eligible to the seat and was "beat in the count." In 1874 he was elected to the constitutional convention which gave Arkansas her present constitution, and enfranchised her freemen who had so long been despoiled by a political oligarchy of thieves. He has always been popular with his fellow citizens of Sebastian county, who have known him longest and best. In 1876 they again elected him to the legislature, and in 1878 and in 1884 to the same office. In 1880 he was an unsuccessful candidate for governor.

Conspicuous above all else in his legislative career is his long and successful fight to adopt what is known as "The Fishback Amendment" to the constitution, withdrawing from legislative consideration that portion of what is called the bonded State debt, known as the Railroad Aid, Levee and Holford bonds, all of which have been declared void by our supreme court. In 1880 Governor Garland, for the first and only time in his life, undertook to mold and lead public opinion in the rejection of the amendment. Fishback followed him with an array of unanswerable facts, which made him master of the situation, and drove Garland from the field before he had half canvassed the State. The plumage of the statesman gave way to the instincts of the politician, and the governor settled back into his normal quiescence. In 1885 Mr. Fishback was a candidate for the seat made vacant in the senate of the United States by the elevation of Mr. Garland to the cabinet, but was defeated. He is an educated and polished gentleman, a fluent speaker, a close and plausible reasoner. But a competency and love of personal comfort has made him indolent in the prime of life, when his acknowledged talents ought to be worked to their normal capacity for the benefit of the public. He owned large interests in and around Fort Smith, which caught the recent boom, and his friends say he rode it at the flood.

HON. POINDEXTER DUNN, FOREST CITY.

Hon. Poindexter Dunn was born in Wake county, North Carolina, November 3, 1834, but his parents removed to Limestone county, Alabama, when he was but three years old. His father, Grey Dunn, was a large planter, the builder of his own fortune, and eminently a practical man. The proverbial thrift that necessity planted in the old north State, at a very early period in her history, has borne its golden fruit on a thousand fields, embracing all the avenues of commerce, the circle of the sciences and arts, and achievements in war and the senate.

As a rule, the wealthy planter in the south, during the golden cycle preceding the war, neglected, through mistaken ideas of kindness, to educate their sons in the business and practical demands of life, often to their ruin. But this false idea of parental duty did not obtain in the mind of the elder Mr. Dunn; he taught that a knowledge of the practical affairs of life is as essential to the well-being and success of the boy and man as a knowledge of the books embraced in the curriculum of the colleges and universities; that there is interdependence between the brain and physical forces, and that dwarfing one involves the other. This sound theory of the old practical planter led Poindexter, under protest, to give agriculture a prominent place in his curriculum, and to alternate between the school-room and the farm until he was prepared to enter on his collegiate course with robust mind and a sound body to honor its drafts. Thus prepared, with foundations deeply laid in practical wisdom, he entered Jackson College, at Columbia, Tennessee, in his eighteenth year, and in two years was master of all the learning taught in the institution, and his last hours there were crowned with the honors of valedictorian. Dissipation and extravagance found no support in his nature; his wise training at home had left no room for such accomplishments. After quitting college he entered on the study of law, but beautiful and accomplished woman tendered him a better situation, and he abandoned his old mistress to become an offering at the hymeneal shrine, and it was twelve years before a reconciliation was effected with the elder spouse.

The devastating ravages of war swept his fortune in the gulf of destruction, but homely and stern old Mrs. Law still held

many shining shekels, with which she rewarded his return and repentance in 1867, and onward.

After marriage he moved to St. Francis county, Arkansas, and engaged in cotton planting. In 1858 the democratic party of his county nominated and elected him to the legislature, after an exciting contest with his whig competitor. Though an adherent to the cause of the south during the late civil war, he was not engaged in the field of arms. The close of the war found him, in common with southern planters, broken up in capital, and the former system of labor destroyed. This untried system of farming brought to him perplexities and responsibilities which ill-fitted him for success in a field requiring so much more physical than mental application, and drove him into the arms of his deserted spouse, the law, to which he vigorously applied himself. He was admitted to all of its privileges in 1867, and became at once a distinguished success in criminal law. His reputation as a gifted orator soon spread beyond local barriers, and pointed him out as the coming politician of his district.

In 1872 he was a candidate for the electoral college on the Greeley ticket, and in 1876 he was a candidate for the same office on the Tilden ticket, a much more agreeable ticket, in the opinion of the author. In 1878 he was a candidate for congress in a hotly-contested canvass with Hon. Jo. W. House, Lucien C. Gause and Judge J. W. Butler, and was nominated on the one hundred and fifteenth ballot. He served his constituents in congress with distinguished ability, and has continuously succeeded himself, being now a member of the fiftieth congress. He has, deservedly, a strong hold on the electors of the first district, and has a large following in the State in support of his aspirations for senatorial honors. In 1885, after a long and warm contest, he was defeated for the senate by the present incumbents, Jones and Berry. As an orator he has no superior, if an equal, in the State. His undoubted and unswerving fidelity to every trust has earned him a high place in the esteem of his fellow citizens, which now, after ten years' service, shines without a blemish.



ROBERT J. LEA.

ROBERT J. LEA, LITTLE ROCK.

Robert J. Lea is a native Arkansian. His father, George G. Lea, deceased, was a native of North Carolina, and was graduated at Chapel Hill College. His mother was Miss Sarah E. Wright, born and educated in Virginia, the descendant of an old and honorable colonial family, which furnished its quota of soldiers in the war of independence. In 1850 the parents removed to Princeton, Dallas county, Arkansas, where Robert was born, March 10, 1852. He received a thorough academic education in his native village. He entered the law department of the University of Virginia in 1872, and graduated at the end of two years in that seat of learning. In 1875 he was by the supreme court licensed to practice in this State. Early in 1876 he located in Little Rock, where he has remained ever since, devoted exclusively to his profession. In 1882 Mr. Lea was a candidate for the office of prosecuting attorney in the sixth circuit, and after an exciting contest was defeated by a very small majority. In 1884 he renewed the contest, and was triumphantly elected prosecuting attorney for the State in the capital circuit. Mr. Lea is a very quiet, unobtrusive man, but is possessed of a very high order of both physical and moral courage when it becomes necessary to defend or maintain his honor. These qualities have sometimes been tested and have never failed to sustain him in high aims and purposes. He is never hasty and precipitate, is always cautious in coming to conclusions in matters of moment, and when convictions are thus reached they are adhered to with firmness, but never obstinately. He is a generous, warm-hearted friend, an open, defiant enemy, and scorns all questionable methods.

HENRY GASTON BUNN, CAMDEN.

Colonel Bunn was born in Nash county, North Carolina, on Tar river, June 12, 1838, and in 1844 came with his parents to Fayette county, west Tennessee. In 1849 his parents again moved, this time to Ouichita county, Arkansas. His father was a slaveholder and planter, and very wisely required the lad to alternate his labors at school with the labors of the farm for a few years. Our southern planters, in the long era preceding the

civil war, as a rule neglected the physical development and business education of their sons, very greatly to the injury of the latter. This mistaken, short-sighted kindness to the shiftless and thriftless boy, in a great majority of instances, was as poisonous to the practical business development of the brain forces as corrosive sublimate is to animal life. The good, practical common-sense of the old North Carolina sire withdrew the temptations springing from idleness and the Pandora's flood of evils born of senseless prodigality. The physical and the mental forces were nurtured with equal care in the same school. The probabilities are strong that to these fortuitous conditions and agencies enjoyed in early life the biographer is indebted for his subject. To those who know the warm impulses and the genial side of Brother Bunn's nature this will not appear as matter of philosophic speculation or doubtful conjecture. The balance wheel is in the laboratory of his brain, and prevents the pendulum from describing the arc of extremes.

His first educational facilities were enjoyed in the common schools in Fayette county, Tennessee; then followed in succession at the village schools at Princeton, in Dallas county, and Eldorado, in Union county, ultimately in thorough preparation for college. In 1858, his father having died, his mother sent him to Davidson College, North Carolina, where he labored assiduously in the acquisition of a broad and liberal education, until the cannon's roar from Charleston beach and Fort Sumter proclaimed to the world the inauguration of the mightiest revolution since Caesar and Pompey fought for the great stake of the Roman empire. The rattle of musketry and roar of artillery inflamed the young man's patriotic heart, and subordinated collegiate aspirations, that he might, without doubt or hesitation, respond to his country's call to the battle-field. In May, 1861, he hurried home from college, that his mother's blessing might rest on his head before he donned the Roman toga for the theatre of war. That mother, with tearful eye and prayerful heart, said: "My son, I know you will honor the name you bear." The highest impulse, the noblest inspiration that can animate human desires is attained when the patriotic mother crushes back the holy flame of her love, and with index-finger points her son to the battle-field as

the shield of his country's honor, the ægis of a people's greatness. Such a scene is morally and heroically the sublimest God has ever permitted man to gaze on in this world save the crucifixion.

Young Bunn joined Captain J. B. McCullock's company in south-western Arkansas, which, at Fayetteville, was incorporated in the Fourth regiment of Arkansas Confederate troops commanded by Colonel McNair, Bunn being third lieutenant of his company when the regiment was organized. The regiment marched into Missouri, but did not reach there in time to participate in the battle of Oak Hill. The regiment was incorporated in the brigade then commanded by General Van Dorn, and was first under serious fire at the battle of Elkhorn or Pea Ridge. In this battle Lieutenant Bunn was wounded and captured by the Federals. Being wounded, strict surveillance was not kept over him, and he made his escape and rejoined his command. In the fall of 1861 he was made adjutant of his regiment. In April, 1862, General Van Dorn's brigade was transferred to Corinth, and incorporated in the army of the Tennessee. At the reorganization of the regiment in April, 1862, he was elected lieutenant-colonel. He participated in the battle of Farmington. From Corinth his command was transferred to Kirby Smith's command in east Tennessee. He was with his regiment in the battle of Richmond, Kentucky. In November, 1862, he became colonel of his regiment, and led it in the desperate two days' battles of Murfreesboro, on the 31st of December and 1st of January. Forty thousand men on each side were engaged in these desperate battles — the appalling aggregate of twenty-five thousand men were lost — ten thousand Confederates and fifteen thousand Federals. Colonel Bunn gallantly led his men in all of the subsequent battles of the army of the Tennessee, excepting Hood's second disastrous campaign in Tennessee — he was not in this campaign because dangerously wounded in the battle of Atlanta, whilst at the head of his column; he was shot through both thighs and his arm was broken.

The last time he fought the old heroic Fourth was in the bloody battle of Bentonville, North Carolina, on the 19th of March, 1865, where he was again wounded. Here, after

General Lee had surrendered at Appomattox, his command was surrendered by General Johnston. The remnant of the old Fourth Arkansas that had achieved imperishable honor on so many fields were led back to south-west Arkansas by their young, gallant colonel, who had led them on so many battle-fields. Then he only weighed one hundred and fifteen pounds, and was called the boy colonel of the army. He was admitted to the bar at Hampton, Calhoun county, in May, 1866, and shortly thereafter removed to Camden, where he has been constantly engaged in the practice of his profession ever since, except at short intervals when engaged in the service of the State. He was a member of the State senate from the nineteenth district in 1874, and was also a member of the constitutional convention of that year, in which position his fine abilities and ripe experience enabled him to render valuable service. He has often acted as special judge of the circuit, and on several occasions of the supreme court. Colonel Bunn is an able lawyer, and one of the most genial and affable of men.

SAMUEL R. ALLEN, LITTLE ROCK.

Samuel R. Allen was born the 17th of February, 1840, in Chesterfield, New Hampshire, and is descended in both lines from hardy Pilgrim stock. Colonel Ethan Allen, of revolutionary fame, who captured Ticonderoga and Crown Point, and headed the "Green Mountain boys" at Vermont in the revolution, is one of the same line. This family was well represented on the fighting side in the war for independence; it furnished its heroes and gave its martyrs to liberty. His father was a farmer, and at different times lived in New Hampshire, New York and Illinois, in the common and graded schools of which the son was educated. Completing his academic course at the early age of sixteen, his father released him from all obligation as a minor, and he at once began the study of law, and school-teaching to pay his way. In March, 1859, he was examined by, and received a certificate of qualification from, the justices of the supreme court of Illinois, but the clerk refused to admit him to the roster because of his minority, but the question was not sprung on him in the circuit courts, and he immediately entered on his professional career, opening an



SAMUEL R. ALLEN.

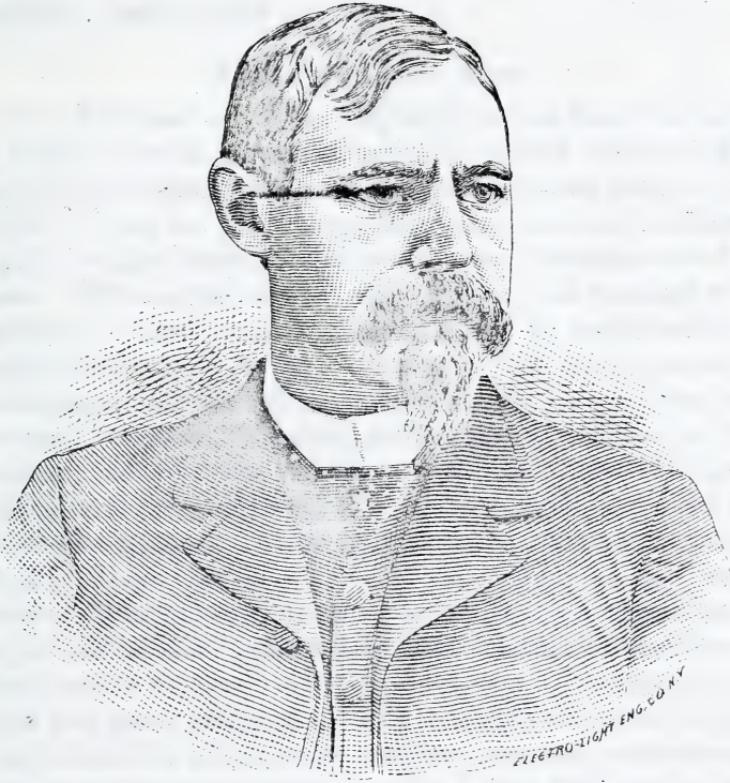
office in Rock Island. In 1861 he volunteered in the Union army, and participated in the bloody battles at Fort Donelson and Shiloh, and being disabled in the latter battle, was discharged and returned to Illinois, locating in Port Byron, where he discharged the duties of provost marshal until the war terminated. In 1872 he was actively engaged in the national campaign as a republican, and in that capacity came to Arkansas in the interest of his party. After the conflict was over he concluded to remain with us, and located at the capital, where he has actively pursued his profession ever since. Colonel Allen is a liberal, a conservative republican, and is respected by all parties. He has never counseled nor engaged in any of the questionable work and methods of his party. In 1873 Governor Baxter commissioned him as colonel on his staff. In the Brooks-Baxter war of 1874 he was an active participant in the interest of what he believed to be the lawful government, headed by Governor Baxter, and in that relation performed important service to the State. Colonel Allen was supervisor of his county in Illinois, and is now serving his second term as corporation attorney for the city of Little Rock. He belongs to that class of thinking and conservative northern gentlemen who always find a hearty welcome and a pleasant home among our southern people. Although an unswerving republican in a community overwhelmingly democratic, his straightforward and upright course, based on the sincerity of his convictions, commands the respect of all.

HON. CHARLES BEATTY MOORE, LITTLE ROCK.

C. B. Moore was born in Little Rock, March 31, 1836. He is the son of the Reverend James W. Moore, celebrated in the early history of Arkansas for his eminent piety, learning and moral worth. He came from Pennsylvania as the advance guard of the Old School Presbyterian Church, and established the first church of that denomination in Little Rock and the territory as early as 1828. His immediate paternal progenitor was a learned Irish Presbyterian divine, who emigrated from Ireland and settled in the colony of Pennsylvania during the revolutionary period. He was of Scotch-Irish lineage, that hardy cross of Celt with Celt which has given to the world so

much intellectual power. His lineage in the ascending line of the mother takes in the blood of Charles Beatty, one of the public-spirited founders of that fine seat of learning, Nassau Hall or Princeton College, New Jersey, where her husband and her son Beatty, the subject of this sketch, were educated. And the same patriotic stream of maternal lineage embraces in the direct line that sterling old patriot, General James Clinton, of revolutionary fame, and his son, the great statesman, De Witt Clinton, governor of New York, senator in congress, and founder of the canal and internal improvement system of the Empire State, before the advent of railroads, and once a candidate for president of the United States, receiving eighty-nine, as against President Madison's one hundred and twenty-eight votes of the electoral colleges in 1812. The same lineage embraces George Clinton, nephew of General, and cousin to De Witt Clinton, and vice-president of the United States under Jefferson's second administration. The Clintons were English stock; they intermarried with the De Witts, an old Knickerbocker family.

Beatty Moore (his pet name) by which we all know him best, and call him most, was prepared for college at Sylvania Academy, in Lonoke county, Arkansas, then a prosperous seat of learning, founded by his father, who was an eminent educator. From Sylvania he went to Princeton College, New Jersey (founded by his ancestors in the maternal line), from which he was graduated in 1857. Returning home in 1857 he immediately entered the law office of Judge John T. Jones, at Helena, and was admitted to the bar by the supreme court in the fall of 1858, and immediately entered on the practice of his profession in the city of his birth. At the commencement of the late civil war he entered the Confederate army, and attached himself to the regiment commanded by Colonel Churchill. He served on the respective staffs of Generals McRea, Churchill, Tappan, Fagan, Sterling, Price and J. B. McGruder, with the rank of major, and was surrendered, with the last remnant of the trans-Mississippi army, at Shreveport, Louisiana, in June, 1865. After the war ended he returned to his office in Little Rock, and has there remained without letting any thing allure him from the even tenor of his way, save a desire for official pro-



JACOB B. ERB.

motion in the line of his profession. This led him to step aside four years to serve the State in the high and honorable office of attorney-general from 1880 to 1884. This he did with honor to himself and the State. Brother Moore, as a lawyer, is possessed of fine attainments, and in his intercourse with his fellow man is one of the most affable, polished and courteous gentlemen, in fact, a natural Chesterfield. All who know him entertain great respect for him.

J. B. ERB, LITTLE ROCK.

J. B. Erb was born in the city of Syracuse, New York, July 2, 1855, of Jewish parents. The family moved to Eudora, Kansas, in 1859, before the advent of railroads in that section of the Union. Here the boy enjoyed his first educational facilities in a primitive log-house, located in a grove at the outskirts of the town. When eight years of age the young lad was sent to an academy, at Leavenworth, Kansas, where he progressed with remarkable rapidity for one so young. This early, precocious development determined his father to give him the benefit of a thorough classical education, under the supervision of ripe scholars, and with that end in view, he removed to St. Louis, where, under the tutorship of a learned Rabbi, a classical education was attained. After quitting school he entered the law office of Lee & Adams, St. Louis, rather than the law department of Washington University, believing that practical knowledge there to be acquired would in the end be of more service than learned lectures from law professors. He remained in this office two years, studying not only text authorities, but the practical details, and all the legal machinery necessary or incident to a lawsuit. He was admitted to the bar in St. Louis, in 1877, and, shortly thereafter, located in Little Rock, where he has met with success commensurate with his talent and enterprise. He is skilled in marshaling all the facts and resources of a lawsuit to the best advantage, is laborious and untiring in preparation, and is always a dangerous adversary in the forum.

HON. WILLIAM F. HICKS, LONOKE.

Colonel Hicks was born May 17, 1824, in a block-house, owned by his maternal grandfather, in Anderson county, east

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Tennessee. On the mother's side he is descended from Irish stock with Saxon fusions; on the father's side from English stock with Celtic fusions. His ancestry in both lines were hardy pioneers, and were engaged in the countless Indian wars on the frontier for a century. His father was a soldier in the Indian wars under General Jackson, and fought at the battle of the Horseshoe, Etnucfau, Talladega and other places. His blood, in the ascending maternal line, runs back through a local celebrity named Jack Walker, an Indian fighter, whose family were all murdered in the Hiwassee valley by the Cherokees, after which he swore vengeance against the tribe, became a soldier hermit, and lived in the caves of the mountains, from which he issued with his deathly rifle to stealthily war on Indians. He killed many with unseen hand, and became known to them as "the Jibinanisee" or evil spirit.

Colonel Hicks' educational opportunities in early life were very limited, and in that respect he may be said to be "the architect of his own fortune." In 1835 his father moved to Arkansas, and in 1836 he commenced working at the printer's trade in Little Rock, on the *Times and Advocate*, with Pike and Reed, and finished his apprenticeship to the trade with Wm. E. Woodruff on the *Gazette* in 1843. In 1846 he joined Captain Albert Pike's cavalry company, and followed its fortunes in the Mexican war. He was in the battle of Buena Vista, where his colonel, Governor Yell, was killed. In 1854, after alternately farming and merchandising, he went to California, where he engaged in publishing a daily paper called the *Daily California Express*, from 1854 to 1865.

In the fall of 1865 he came home to Arkansas and again engaged in merchandising for several years. He has been postmaster several times, and mayor of Lonoke. In his forty-eighth year he was admitted to the bar and commenced the practice of his profession. He read law with the celebrated Ebenezer Cummins in early life, but did not then engage in the practice. Colonel Hicks was a member of the constitutional convention of 1868, being one of ten democrats in that body. He says of that instrument: "I refused to sign that infamous constitution." In 1874 he was elected to the State senate from the twelfth district, and filled the office four years to the satis-



HON. HENRY C. CALDWELL.

faction of his constituents. In 1882 he was again elected to the State senate from the same district and served the full term of four years. In 1886 he was elected to the lower branch of the State legislature. In 1880 he was supervisor of the census for the seventeen counties composing his congressional district. Colonel Hicks is a man of sterling worth and integrity, and brings great industry and application to all he undertakes. His clients always have the benefit of thorough research and investigation.

HON. HENRY C. CALDWELL, LITTLE ROCK.

Judge Caldwell was born in Marshall county, West Virginia, on the 4th day of September, 1832. His blood comes of that vigorous cross between the Irish Celt in the mother's, and the English cavalier in the father's line, a combination which has written many of the best chapters in our history. James Moffet, grandfather in the maternal line, was an educated, brainy Irishman of Methodist persuasion; he volunteered in the war of 1812, and gave his life on the field of battle to his adopted country. Van Caldwell, his father, was a splendid type of the chivalrous pride and hospitable bearing of the old Virginia stock of cavalier descendants, full of the brains and pride which made Virginia "the mother of States and statesmen." He was one of the first settlers in the Ohio valley. Susan Moffet, his mother, inherited the vigorous mind of her father, and the son bears the impress of both lines in a marked degree.

His parents moved to Van Buren county, Iowa, in 1836, where he was educated in the common and private schools of the day. At the early age of seventeen he began the study of his profession, with a very distinguished firm of attorneys, Wright & Knapp of Keosauqua, Iowa, and was admitted to fellowship in the noble guild of lawyers in his twentieth year; his abilities were so prominent, his age was unchallenged. Soon afterward he was admitted to partnership with his preceptors. The Hon. George G. Wright, one of them, was distinguished in the judicial and political history of Iowa, being on the supreme bench twelve years, and a senator in congress six years. In 1854 the junior member of the firm married Miss Harriet Benton, a niece of Judge Wright. The Hon.

J. C. Knapp, the other partner, was unfortunately a democrat and a distinguished leader of that great minority in Iowa. This speaks well for the courage of his convictions, and is the brightest legend on his political tomb, which he found in a charge on the republican batteries, in a contest for governor. We are not advised as to whether Judge Caldwell had any share in this slaughter or not, but there is no neutrality in his nature, from which we indulge the opinion that he took a hand in the fight, and that he was not a pall-bearer at Knapp's political funeral, however much he loved and admired him as a jurist and lawyer. He too was on the bench. In 1856 Judge Caldwell was elected prosecuting attorney for his district. In 1858 he was elected to the legislature, and for two sessions was chairman of the judiciary committee, a very distinguished position for one so young, to be achieved as it was by his commanding talents. In 1861 he was commissioned major in the Third Iowa volunteer cavalry, and was promoted successively to lieutenant-colonel and colonel of the regiment, which he commanded at the capture of Little Rock on the 10th of September, 1863, Brigadier-General Davidson being in command of the cavalry division on that occasion. General Davidson in his official report on that occasion says: "Lieutenant-Colonel Caldwell, whose untiring devotion and energy never fags during night or day, deserves, for his gallantry and varied accomplishments as a cavalry officer, promotion to the rank of a general officer." In June, 1864, whilst serving with his regiment in Tennessee, he was much surprised when advised that President Lincoln had commissioned him as district judge of the United States for the district of Arkansas. He never sought the position, knew nothing of the efforts being made by his friends to secure it, and was satisfied with his honorable position as a soldier. But he laid down the heroic for the civic walks of life, and came with his family among us in the fall of 1864.

The young soldier-jurist, fresh from the victorious northern army, at that excited period when the intense prejudices engendered by the civil war were still at fever-heat, did not inspire the confidence of the southern people, who then knew nothing of his qualification or antecedents. The confiscation and other stringent Federal laws were to be administered by a soldier,

who was supposed to be full of the pride and prejudice of the conqueror, with the tremendous machinery of a powerful government to sustain him. The old order of things had perished in the ruins of the revolution and a new *regime* was springing into power and crystallizing under the supreme dictation of the conqueror, whose limitation was controlled by nothing but his own sense of propriety. The ignorant freedmen of the conquered States floated to the surface of this revolution and suddenly became potent factors controlling the political status — State and Federal — of the revolted States, whilst the former educated dominant, race were disfranchised and relegated to the condition of political serfs. The whirl of this revolution, supported and molded by the dominant party of the north with the unrestrained force of a cyclone, made vicious ignorance dominant. Under these circumstances it would have required more than frail humanity can support to have looked on the soldier-judge without many apprehensions and painful misgivings. To remove all these doubts and misgivings, inspire confidence and profound respect, administer the laws with a firm, yet just and kind spirit, was an arduous labor that none but a master could execute. A mere knowledge of law, however profound, was but one element of qualification; standing alone it would have proved disastrously inadequate. Great tact, keen discrimination, deep insight into human nature, love of justice, and sympathy with the weak and oppressed were all requisite to the accomplishment of the end. Even with these rare qualifications it required time and patient forbearance to develop and mature the rich fruit to be grown on such a soil. The keen, impartial observer (then rare) could have seen all these qualifications, firmly, slowly, surely coming to the front, from the first session of the dreaded Federal court when Henry C. Caldwell presided first in 1865. Up to that time the rigid technicalities of the common law, which often gave stronger expression to technical harshness than to justice between suitors obtained in Arkansas in all of its antique, unique vigor and jargon. To the amazement of the old lawyers who had grown gray and rich in the practice of this mediæval literature, Judge Caldwell began by tearing down these obstructions to legal administration, with-

out appointing pall bearers to attend the funeral of the late lamented.

This calls to mind an amusing episode which occurred at the first session of the Federal court. The late Judge Watkins, then one of our honored legal luminaries, had a large practice in that court, and had prepared a large number of pleadings embodying these harassing obstructions, but he watched the indications closely to catch the practice before filing them. Finally his name was reached in alphabetical order on the roll, and he was politely asked by the court if he had any favors to ask. He rose slowly, and with dignified composure, said he had a bag full of pleas in abatement and demurrers prepared to file, but would graciously decline to do so — not desiring to promote and advance the cause of his adversaries. Judge Caldwell was largely instrumental in procuring the abolition of the common-law practice, and substituting the code system in Arkansas. In this connection we condense from an editorial in the *Central Law Journal*, edited by Hon. Seymour D. Thompson, which appeared in 1876: “During the three weeks session of the circuit court of the United States for the eastern district of Missouri, just held by Hon. Henry C. Caldwell, a large amount of business has been transacted, and it is not too much to say the learned judge made himself a great favorite with the St. Louis bar. He came unwillingly, announced that fact, and told the bar that during his short stay he would not undertake to learn Missouri practice, but would dispatch business under Arkansas practice the best he could. That practice is certainly a very satisfactory system. It places the judge on reasonable terms of familiarity with the bar, and at once abolishes the dreaded distinction of *up here and down there*. At the same time it permits no pettyfogging or undue familiarity. Every respectable member of the bar is addressed as brother, and thus put on good behavior, and delicately reminded that judges and lawyers alike belong to a great profession, whose highest honor is to tell the truth, and noblest mission the upright administration of justice. What is to be most admired in ‘Arkansas practice,’ is the ready tact with which idle verbiage is cut off, business dispatched, and substantial results reached, without prejudicing the rights of parties,

or offending the bar. The secret seems to consist in the possession of a rare temper, and importation of an unusual share of practical common sense into judicial proceedings."

His whole judicial career is marked with a strong fusion of common sense, a manifest desire to thwart fraud and to do justice, as far as possible, between litigants. Love of equity is one of the ruling passions of his life. The conditions upon which railroad receivers are appointed and the principles and rules laid down for their guidance in his court aptly illustrate this trait in his character. The scope, design and effect of these rules is to prevent these corporations from taking advantage of their creditors, and to compel them to discharge their just obligations. One of his first departures from the old stereotyped path was to spread on the records of his court a general order permitting receivers to be sued when the suit did not interfere with the custody of the property. The corporations protested against this order as an inconvenient and expensive innovation on their ancient rights. One argument to bolster the protest was that it compelled them to submit to jury trials and to dance attendance on any court where they might be sued. To which the judge replied, that license to sue was given because the right of the citizen to sue in the local State courts along the line of road should be interfered with as little as possible; that it was doubtless a saving and convenient protection to the mortgage bondholder of a long line of railway to have all the litigation growing out of the operation of the road centered on the equity side of the court. But that, in proportion as the road and its bond-holders profit, the citizen suffers by such an arrangement and is deprived of the forum and the right of trial by jury.

This simple but comprehensive grasp of a great question threw a flood of light and justice over a shameful and crying evil, and prevented his court from becoming the instrument of gross injustice. This rule has saved the employés, laborers and other creditors of railroad corporations in Arkansas millions of money. Every road in the State has been foreclosed in his court — some of them several times. The able and upright judge said in this connection: "When the court assumes the operation of a railroad and becomes a common carrier, it is

brought into extensive relations with the public, enters into thousands of contracts daily, some of which are broken, property is damaged, and passengers injured and killed. When these liabilities are incurred why should the citizen be denied the right to establish the justice and amount of his demand by the verdict of a jury in the forum of his county where the cause of action arose and the witnesses reside. If the road was operated by its owners or creditors, the citizen would have this right. When run by the court, through its officer, why should the right be denied? Why should the citizen, by a court of equity, be deprived of his constitutional right to trial by jury and subjected to inconvenience and loss, to make money for a railroad corporation and its bondholders?"

This extract shows the grasp and trend of an enlightened and comprehensive mind devoted to the highest functions of the jurist. On the 3d of March, 1887, the principles embodied in these rules and the reasons in support of them were embodied in the statutes of the United States, and are now the uniform rule of all the Federal courts. This advance is very largely, if not wholly, due to Judge Caldwell. He never suffers a young, or inexperienced attorney to lose a meritorious cause for want of experience or ability to conduct the trial. On one occasion, some years ago, Judge Yonley, a gentleman of ability and local distinction, with much ingenuity was about to defeat a good cause represented by a young adversary at the bar; but the judge came to the stripling's relief and saved him from disaster. Judge Yonley left the court-room tearing his disheveled hair in a rage and swearing in vociferous oaths that he would rather have Rufus Choate, Reverdy Johnson, and William M. Evarts as opponents in the trial of a cause before Judge Caldwell, than one d—n fool stripling. When he went on the bench twenty-two years ago, the numerous questions of grave import growing out of the war, the confiscation and subsequent reconstruction, bankrupt and other Federal legislation, presented a new and, in many respects, an untrodden field for the jurist, requiring great learning and ability to grasp them. The cases coming before him out of this new field are too numerous to catalogue in a work of this character, but it may safely be said that no jurist in the United States handled them with more

comprehensive scope and ability than Judge Caldwell, and with fewer reversals — the author now only calls to mind one reversal, the *Osborn case*, in which Chief Justice Chase concurred with him, in a dissenting opinion. The sphere of his usefulness is not limited to judicial functions; the impress of his mind is voiced in the legislation of the State. Many defects in our system have been pointed out by him and remedied by appropriate legislation; among them may be mentioned the act to prevent the forfeiture of a married woman's property by failing to schedule; the "Betterment Act;" the act curing defective acknowledgments; the very important act reforming the usury laws, giving to plaintiffs as well as defendants the right to invoke the aid of a court in declaring usurious contracts void, and recent improvements to the mortgage and homestead laws of our State.

He is broad and comprehensive in his views and treats all questions of public policy from the philosophic stand-point of a statesman, notably the worse than wretched mortgage laws of Arkansas, permitting property before it is *in esse* to be mortgaged; the baneful influence of which exceeds the disasters entailed by the civil war. The usury laws and the creation of colossal corporations which are fast absorbing the landed and moneyed wealth of the country and aggregating it in the hands of a few who dwell in cities and toil not. And he touches with a master's hand on the baneful influences monopolies are exerting in the absorption of all the surplus agricultural products of the country, stripping the creators of all this vast aggregation of wealth, of their hard earnings.

In an address to an agricultural association in October, 1886, he said in the spirit of prophetic wisdom: "The sober intelligence, courage, virtue and patriotism that abides in the homes of independent and prosperous farmers are what every nation most rely on for its support in peace and defense in war. Neither liberty, nor prosperity, nor virtue, will long survive in a State where the husbandman is oppressed and impoverished." These words are full of profound wisdom; they voice the teachings of all history and point with index-finger to the fall of Jerusalem, the decay and dissolution of the Roman empire, and to the distressed tenantry of oppressed Ireland.

They ought to be photographed on the brain of every American legislator, and written in letters of light on the archway to every American capitol. Goldsmith, the wandering minstrel from the Emerald Isle, never touched a truer key than when he swept his harp and sang of the prop and stay and fall of States.

Ill fares the land, to hastening ills a prey,
 Where wealth accumulates and men decay.
 Princes and lords may flourish, or may fade,
 A breath can make them, as a breath has made;
 But a bold peasantry, their country's pride,
 When once destroyed, can never be supplied.

Our country to-day has more to fear from the aggregation of capital in the hands of a few than from all other sources. Philip Armour controls the pork product of the United States, and inflates or depresses the market at will, and his millions of capital is the tribute of the farmer and the consumer. So with every product of the soil and every article of consumption. The farmers of America are now the vassals of monopolists and the victims of conspiracies to rob them under the forms of law. These questions are fraught with momentous issues. They deeply involve the perpetuity of our free institutions.

When Judge Dillon resigned as judge of the eighth circuit a great number of able lawyers favored the promotion of Judge Caldwell to the vacancy, because of his unquestioned ability to discharge the high trusts imposed by that office; but he has been with us and of us for nearly a quarter of a century, and has no inclination to leave a people who learned to respect and admire as they learned to know him. In politics he is a republican, but belongs to the better type of that party.

WILLIAM LEAKE TERRY, LITTLE ROCK.

W. L. Terry was born near Wadesboro, Anson county, North Carolina, September 27, 1850. His parents moved to Mississippi in 1859, and to Pulaski county, Arkansas, in 1861. He is nearly related to Shelton Leake, once a prominent member of congress from Virginia; to Colonel Frank P. Leake, a prominent citizen of Mississippi; to Colonel Walter Steele, ex-member of congress from North Carolina, and to Judge



HON. DANIEL W. JONES.

David Terry of California, one of the early justices of the supreme court of that State, who killed Broderick in a duel whilst the latter was a senator in congress. Mr. Terry is a *protege* of his near relative General Francis A. Terry, deceased, who educated him; first sending him to Bingham's Military Institute in North Carolina, then to Trinity College in that State, where he was graduated in June, 1872. He read law with Dodge & Johnson of Little Rock, and was admitted to the bar in 1873. He was elected to the State senate from the Little Rock district in 1878, and at the close of the session of 1879 was elected president of that body. He was a member of the city council of Little Rock two years, from 1877 to 1879.

He was city attorney for the city of Little Rock from 1879 to 1885 inclusive. In 1886 he made a very vigorous race for the democratic nomination for congress in the fourth district, against the popular incumbent, Judge John H. Rogers. The extraordinary vigor and energy with which he prosecuted the canvass made a deep impression on the electors of the district, and if he lives to make the race again in 1888, he will be a formidable rival. Mr. Terry is a man of very marked and decided character, and he brings all the energies of a well-developed mind to the successful accomplishment of every undertaking. He is a lawyer of decided and acknowledged ability. As a politician he has the art of creating and sustaining a strong following, often suddenly developing strong resources where the superficial observer imagines none to exist. This power springs from an intimate knowledge of human nature in all of its gradations and complications, and the skillful touching of responsive chords. Those opponents, in any field, who underestimate his ability will in the end regret the mistake, when it is too late to retrieve the disaster.

HON. DANIEL W. JONES, WASHINGTON, HEMPSTEAD COUNTY.

Colonel Daniel W. Jones was born in Bowie county, Texas, December 15, 1839. His paternal grandfather, Daniel Jones, emigrated from Scotland and settled in North Carolina, and was a revolutionary soldier in the continental line, under General Washington. Doctor Isaac N. Jones, his father, was a graduate of that once famous institution of learning, Chapel

Hill College, North Carolina; he immigrated to Texas at an early day, and became a member of the congress of that republic. The colonel's parents moved from Texas to Washington, in Hempstead county, Arkansas, when the boy was quite young; he was well educated at home in Washington Academy, under Professor Borden, an eminent educator. Early in life the young man determined to study and practice law as a profession, and in January, 1860, commenced studying under the Hon. John R. Eakin, now deceased, one of the most scholarly, and certainly one of the ripest jurists who ever sat on the supreme bench in Arkansas. But civil war soon interrupted the pursuits of peace and modified every calculation based on it. The young man in April, 1861, exchanged his law books for sabre and musket, and was elected captain of company A, Third regiment of Arkansas State troops, commanded by Colonel John R. Gratiot, and fought his first battle August 10, 1861, at Oak Hill. After this battle Captain Jones recruited, enlisted and organized company A, Twentieth Arkansas regiment, and was again elected captain. After the Confederate conscript law went into operation, he was again elected captain, and in July, 1862, was promoted major of the regiment. He was an active participant in the battles fought in and around Corinth on the 3d and 4th of October, 1862, and on the latter day when charging the enemy's breast-works, at the head of the column, was shot through the body just below the heart, and was left on the field as dead, but was captured by the enemy and recovered, and was exchanged and rejoined his regiment in the field, and was promoted colonel for gallantry on the field, at Corinth, when less than twenty-three years old. He commanded his regiment at the siege of Vicksburgh.

After the close of the war he resumed the study of law at Washington, Arkansas, and opened an office there. After the decade of reconstruction had spent its force, and the better element of the southern people became per force of organic laws enfranchised, merit again asserted itself. In October, 1874, the citizens of the ninth judicial circuit elected Colonel Jones prosecuting attorney, which office he filled with honor and credit to himself and the State, but declined a re-election when the nomination was tendered him. In 1876 he was an elector on

the democratic ticket, and canvassed every county in his congressional district. In 1880 he was a democratic elector for the State at large, and in that campaign canvassed the entire State. In 1884 he was nominated by the democracy for the high office of attorney-general for the State, and was with all the ticket elected by an overwhelming majority. In 1886 he was, without opposition, and by acclamation, renominated and re-elected to the same high office. These facts speak more potently than mere words of encomium; they attest the popularity and professional ability of the man. Colonel Jones is a forcible, plausible and eloquent speaker, whether in the forensic arena or on the stump before the people. "Dan" is his pet name, wherever personally known.

HON. JAMES E. GATEWOOD, DES ARC.

James E. Gatewood was born on his father's farm in Henderson county, Tennessee, in May, 1832. When three years old his father moved to what is now known as Marshall county, Mississippi, long before the Indians vacated the country; and for many years the Indians were the only neighbors and the Indian boys the only playmates for young Gatewood. When fifteen years old he was much better master of the Indian than his own dialect. Captain Gatewood (that is his army title, acquired by service and command in the field) during long association with the Indians, became a veritable and renowned Nimrod, and one of the most proficient disciples old "Izaak" Walton ever had in this country. The author never took a back seat, nor yielded precedence to any one as an expert in the accomplished science of angling for game fish, except to Captain Gatewood, and this under unfavorable and extraordinary circumstances. We were sitting around a fireside at a country inn, and the author was enthusiastically relating the royal sport he had recently enjoyed on one of the beautiful sheets of water in the White River valley, in landing nine-pound specimens of black bass, but was confiding and foolish enough to finish and give Captain Gatewood the last speech, a position he always utilizes to his adversary's great disadvantage. He took the floor, and with the solemnity of a bishop on a funeral occasion, bore testimony that he had, in the same lake, captured many bass weighing fifteen pounds.

Captain Gatewood to this day does not know that the author ever suspicioned he had forgotten one of the commandments. This is partially accounted for from the fact that he never saw a school-house until after he was fifteen years old. After the Indians evacuated the country it rapidly filled up, and with population school facilities came which were utilized by the young man in the rapid acquisition of a good common-school education. In 1849 he entered the University of Mississippi, from which he was graduated in 1853. From the university he went to the law office of Clapp & Strickland, at Holly Springs, Mississippi, where he was admitted to the bar, in 1854. In the fall of that year he located at Des Arc on White river, where he still resides. In choosing this location he was governed no less by its promising outlook in a legal aspect than by the unusual facilities it afforded the lover of the wildwood chase and enthusiastic angler. Hunting and fishing for a while was the prime, law the secondary, consideration. White River valley was then the sportsman's paradise, and Captain Gatewood reveled in the elysian indulgence of his passion for one year before opening a law office.

In the fall of 1855 he got down to his work, and thereafter only indulged his passion for the woods and streams and lakes as a relaxation and recreation from the toils of his profession, like General Albert Pike. Arkansas was then on a boom, the brightest rainbow of promise fringed her horizon and spanned her zenith — the portentous calm which precedes the mightiest storm was then as quiescent and deceptive to the superficial observer as the sleeping volcanic energies of *Ætna*. Brother Gatewood, in the full confidence of all of his fellow citizens, entered on a prosperous career as a lawyer, but this was soon to be exchanged for the bloody drama of war, and all of its attendant horrors. The decade preceding the war between the States was the golden era of Arkansas. Then ninety-nine men out of every hundred possessed an educated pride to pay his honest debts, regardless of the relations he sustained to finance, and he had credit with his merchant, who then knew nothing of that accursed creation of 1875, called a chattel or anaconda mortgage, which reaches into futurity and disembowels prosperity. The accursed gift of Jupiter to Pandora was not fraught with

more or greater evil to man. The sun in its transit around the world does not shine on a country that can be prosperous where a majority of her farming citizens mortgage their property for supplies in advance of production. No statute has ever gone so far in educating both merchant and patron in shameless rascality. The cut-throat mortgage system excites the cupidity and avarice of the merchant, and places the helpless in his power, until he is educated and hardened in the school of extortion. On the other hand, the helpless victim, who, after mortgaging, is *forced to pay two prices* for all he gets, to the cormorant, who has taken advantage of his necessities to get him in his power, feels that he is violating no moral or divine law to "beat" the merchant, and escape the deathly grasp of legalized robbery. The State which fosters such consequences to the great body of its citizens is indeed unfortunate. The advocates of the system apologize for its imperfections by reminding us of "*the good intentions* of those who make the law." Innocent imbecility is no excuse for extending or perpetuating an evil. "Hell itself is paved with good intentions." There was not the semblance of excuse for the passage of this mortgage law, which ignores wisdom, philosophy, statesmanship and common sense. The war closed ten years before the deathly siren song of the mortgage swept our halls of legislation. Reconstruction, on a southern democratic basis, had just been inaugurated in the State, and reform was the slogan of the hour. The fearful reign of republican imposition had been relegated and sent into exile. But I must return to Brother Gatewood, who is in no way responsible for the mortgage law, or any result growing out of it.

Captain Gatewood was mayor of Des Arc in 1859, 1860 and 1861, when it contained a population of near two thousand. In the winter of 1861-2 he joined the Confederate forces in Arkansas, and, at the head of one hundred select men, was on scout duty a part of the time — then, as necessity required, he was in charge of the commissary and quarter-master department. He was in all the important engagements in Arkansas and Missouri during the last three years of the war. Added to the accumulated horrors of war, was the loss of his wife and two children during the first years of the war (his entire family).

At the close of the war he resumed the practice of his profession at Des Arc, and is yet at his post in that capacity. In 1878 he was elected to the State senate from the twelfth district, and served his fellow citizens four years in that capacity. He has often served as special judge of the circuit court, and is at this writing acting as special judge of the supreme court. Brother Gatewood is an affable, courteous and pleasant gentleman; his mind is well stored with a vast variety and aggregation of useful and general information, and in all the relations of life he is reliable, except on the bass fisheries of Arkansas; on that isolated question I know of one gentleman whose authority I prefer to his. He is a good lawyer, a good citizen, an upright and conscientious man.

HON. JOSEPH W. MARTIN, LITTLE ROCK.

Judge Martin was born June 6, 1836, in Greene county, Alabama, of Scotch-Irish extraction, the son of Rev. James Martin, a graduate of Chapel Hill College, North Carolina, and an eminent educator; he imparted many great and lasting advantages to the son, both intellectually and morally, which has molded and shaped his destiny through life. His father moved to Mississippi when the boy was quite young; in 1848 he moved to Memphis, Tennessee, and from thence, in 1850, to Prairie county, Arkansas. After thorough preparation in the junior branches of the classics and mathematics, young Martin, at the age of seventeen, matriculated at Princeton College, New Jersey, and graduated with distinction in that institution in the class of 1855. After leaving college he returned to his father's in Arkansas, and assiduously studied law under himself one year, at the end of which he went to Memphis, Tennessee, and entered the banking-house of I. B. Kirtland in the capacity of an employé, but four months' service in this institution satisfied the young man that banking was not his forte. From Memphis he went to Brownville, west Tennessee, and engaged in teaching school there; gave this up at the end of six months, and then entered the law office of Colonel Ed. Reed, an attorney of capacity and local note, at Brownsville, Tennessee, and was there licensed to practice law on the 1st of July, 1857. In the fall of 1857 he



HON. JOSEPH W. MARTIN.

opened a law office in Des Arc, Prairie county, Arkansas, and practiced there successfully until the summer of 1860, when he moved to Little Rock and opened an office there. In June, 1861, he left Little Rock as a private soldier in the Sixth Arkansas regiment of Confederate troops, and experienced hard service in seven of the Confederate States — Arkansas, Missouri, Kentucky, Tennessee, Mississippi, Georgia and Alabama, and participated in the bloody battles of Perryville, Murfreesboro and Chickamauga, and at the latter was severely wounded and disabled, but, after recovering, served on post duty until the surrender.

He was promoted from private by appointment to sergeant-major, and afterward elected captain of company K, in which capacity his career as a soldier was closed. He returned to Little Rock after the surrender in 1865, and in August of that year again opened his law office. In 1874 the odious days of intolerance, proscription, disfranchisement and carpet-bag rule culminated in a revival of the liberties of the people, and Captain Martin was nominated and elected by the democratic party to the office of prosecuting attorney for the sixth judicial district, and served the people ably in that capacity for two years. In 1876 Hon. John J. Clendenin, then judge of the sixth circuit, died, and Captain Martin was nominated and elected to fill the two years unexpired term to which Judge Clendenin had been elected. In 1878 he was nominated and elected to succeed himself as judge of the sixth, the most important circuit in the State, and served the people with learning, ability and distinction in that high office for four years more. The author was engaged in practice before him during the whole period of his first six years' service on the bench, and "without injustice to the pretensions of the living, or memory of the dead," can truly say that no more pleasant, courteous and affable judge ever presided at *nisi prius*, yet his authority was firm and unchallenged or disputed in any quarter — nothing could be more foreign to the nature of the judge and citizen than the petty exhibition of power in his court — he was universally respected and esteemed in his circuit. He retired at the expiration of his term in 1882, and was not a candidate for re-election, since which time (until

now, 1886) he has been engaged in the prosecution of his profession. In 1886 the democratic party of his district, without opposition from any quarter in the party, unanimously tendered him the nomination for circuit judge in the sixth, his old circuit, a position unsought by him, and he was triumphantly elected and is now serving the people the third time as judge. He is a fine lawyer, fluent speaker, terse reasoner, and an able and upright, painstaking judge.

HON. JORDAN E. CRAVENS, CLARKSVILLE.

Colonel Cravens was born the 7th of November, 1830, in Madison county, Missouri, but when four months old his parents settled in Johnson county, Arkansas, and he has proved his good staying qualities by remaining there. He was raised on a farm, and an earnest effort was made by an indulgent father to learn him practical agriculture, but Jordan could never be coaxed into enthusiasm for the noble science, and his father abandoned the effort after several years' trial, to await the slow development of some useful endowment in some other direction. There were a few wild oats and some visionary tares mixed up with some undeveloped good qualities in his nature, requiring some anxious years to locate. He was a leader in the sports of the wildwood chase, and the royal amusement of angling for game fish in the mountain streams; and could easily master a task in books, when the weather was sufficiently persuasive and rough to keep him indoors; but he always feared manual labor on the farm would prove derogatory to a robust constitution. After some years' trial, a solemn parental convention was held in the old homestead, to devise some constitutional restraint over the organic waywardness of the promising boy, which resulted in a transfer of parental jurisdiction to the best pedagogue of the times, who soon inaugurated a successful revolution by converting anarchy into domestic monarchy, and a wild boy into a fine scholar and good congressional timber. He was not a willful, bad boy, in the sense of to-day, nor was he one of those goody boys of the extinct period, that type has been *non est inventus* since the boyhood of Washington, who left no survivors to perpetuate the rare species.

After five years' careful training by the best teachers in Ar-

kansas, he attended Spring River Academy in Missouri two years, and returned home, in 1850, master of a good education and a polished gentleman, crowned with a good name. The California gold fever swept the east in 1850, and Jordan had a bad case, communicated, not by any miserly impulse for wealth, but by the supposed romance of a journey overland across the continent, which cost his father many shekels. The romance wore threadbare in two years, and he returned to eat the fatted calf in his father's mansion, wiser and richer in experience than shining coin. In 1853 he summoned courage to tackle the farm again, but was not a success. In the fall of that year he commenced reading law with Judge Batson, his future father-in-law, and this time wrote success over the archway. His grandfather, William Cravens, was a pure Celt; he came to America after the revolution, settled in the Old Dominion, and is the common source of a numerous posterity scattered over the south and west. His mother was of pure Anglo-American blood, so we have in him a union of the Celt and Anglo-Saxon, now an antagonistic trans-Atlantic element of volcanic tendencies, defying the efforts of England's greatest statesmen to harmonize. We are not advised as to which, the Celt or Saxon, predominates in Brother Cravens, nor to which he leans in their quarrel across the Irish channel. He inherits both sides, and an equilibrium of native forces would establish neutrality, but the positive predominates over the negative in his nature, and we feel justified in the opinion that, if he were in the British parliament, the Saxon would feel the blows of the Celt.

He espoused the cause of the losing side in the late war between the States, and found his first experience as a volunteer on the staff of General Burrow, who captured Fort Smith in the absence of Federal opposition. The ennui of inactive camp-life did not satisfy his Celtic blood; he was soon "spoiling for a fight," and went to Missouri in quest of one or more, and on August, 1861, was accommodated at Dugg Springs, where he fought on his own hook in the regiment commanded by his cousin, Colonel Jesse L. Cravens. Here his romantic and tragic ideas of war were to some extent gratified in a splendid cavalry charge, some hard fighting, some

blood-letting and deaths on both sides. He was at the head of the column, and was as gallant a knight as ever drew a sabre. After lending a helping-hand to Colonel Cravens at Dugg Springs, he withdrew and rode over to the command of Colonel Churchill, like a true knight of old, and reinforced his command at the great battle of Oak Hills, on the 10th of August, 1861. In this battle he was thrice wounded, by minie ball through the shoulder, left arm and in the leg. These severe wounds disabled and cooled him down until October, when he joined the Seventeenth Arkansas infantry, commanded by Colonel Lemoyne, and was elected major of the regiment at Fort Pillow, in the spring of 1862. When the army was reorganized at Corinth, in the spring of 1863, Major Cravens was elected colonel of the regiment, which was known after the reorganization as the Twenty-first Arkansas infantry.

This was a high and a merited compliment, and his fellow citizens have not forgotten the soldier who so nobly and gallantly led his regiment of veterans at Corinth, Iuka, Port Gibson and Champion Hills. On the 17th of May, 1863, he was captured at Big Black river, Mississippi, by the Federals. After these events he took a trip to Johnson's island, at the expense of the United States, to see some Confederate officers who had taken up their head-quarters at that famous retreat on Lake Erie. This situation, although delightful, was attended by misguided public considerations on the part of the United States, which influenced Colonel Cravens and his comrades to remain there until the end of the following February. After his exchange he crossed over into the trans-Mississippi department and took command of fragmentary commands which had been consolidated into a single regiment. Lee's surrender found him at his post. He came home, commenced the practice of law, and is yet actively engaged in it. In 1866 he was elected to the State senate, having previously been a member of the lower house in 1860. In 1872 he was a candidate for the electoral college on the Greeley ticket, that compound of time-serving democracy and apostacy from the teachings of a life-time. The author was very reluctantly seduced into voting this ticket as a choice of evils, but feels sick and prays for political absolution every time he thinks of it, and Colonel



HON. JOHN M. HEWETT.

Cravens only supported it as a choice between an apostate who had deserted and come into the democratic lines, and ultra radicalism which then obtained. Colonel Cravens was now a widely-known and a very popular man, and the electors of the third congressional district chose him to represent them in the forty-fifth, forty-sixth and forty-seventh congresses of the United States.

He retired from politics at the close of the forty-seventh congress with the conscious conviction that he had done all in his power, as a patriotic representative, to promote the interests committed to him. In 1868 he married Miss Batson of Clarksville, daughter of the late Judge Felix I. Batson of the supreme court, his old preceptor. Colonel Cravens possesses many noble qualities of head and heart; is a man of great tenacity of purpose; he is a warm friend and a good hater. In company with his friends he is warm-hearted and genial, and loves wit and repartee and the sunny side of life.

HON. JOHN MARSHALL HEWITT, MARIANA.

Hon. J. M. Hewitt was born in the city of Frankfort, Kentucky, July 22, 1841, and there grew to manhood, receiving a classical education in the best schools of his native city. Before he attained his majority, the civil war, with its train of untold evils, burst on the country. The war experience of Mr. Hewitt's family illustrates that of hundreds of others in the border States. In a private letter to the author, he says: "The war was a bitter experience to me. My father had four sons, two on each side during the war; also one son-in-law on each side. All my old school-mates and associates, as well as relations, in Kentucky were about as equally divided. One of my brothers was killed at Fort Donelson on the Confederate side."

When I read this, a sweet and simple, yet sublime and pathetic little poetic gem came rushing through my memory and begged for recognition; and I give it, that it may charm some kindred spirit and claim the tribute of a hallowed tear.

"O, mother what do they mean by the blue?
 And what do they mean by the gray?
 The mother's eyes filled up with tears;
 She turned to her darling fair,
 And smoothed away from the sunny brow
 Its treasures of golden hair.
 I saw two cripples to-day,
 And one of them said he fought for the blue,
 The other, he fought for the gray.
 Now he of the blue had lost a leg,
 The other had but an arm.
 The leg was lost in the Wilderness fight
 And the arm on Malvern Hill.
 Then the mother thought of other days —
 Two stalwart boys from her riven;
 How they knelt at her side, and lisping, prayed,
 Our Father who art in heaven.
 How one wore the gray, and one wore the blue,
 How they passed away from her sight,
 And had gone to a land where the gray and the blue
 Are merged in colors of light."

In 1861 Mr. Hewitt joined the Federal army as adjutant of the Second Kentucky cavalry, and was attached to the staff of General Rousseau as assistant acting adjutant-general. He was an active participant in the bloody battle of Shiloh; was captured by General John Morgan at Cynthianna on his first raid into Kentucky, but escaped that night and returned to his command. He was admitted to the bar by the court of appeals in Kentucky, in 1865. In 1866 he settled in St. Francis county, Arkansas, and engaged in cotton planting. After the creation of the county of Lee, in 1873, he moved to Marianna and resumed the profession of law, and has continued his planting interest in connection with his profession ever since. Mr. Hewitt, although a Federal soldier, coming among us at the close of the war, is, and has always been, eminently conservative in politics, and is an active, effective and pronounced democrat. He came to us at an era when we were exhausted, poor and powerless, and much oppressed by the seemingly ceaseless demands of the spoliators who were then in power.

The war had ended its work of desolation. Every Confederate soldier from Texas to Virginia had obeyed in good faith the last order of the hero who surrendered at Appomattox. He

was in a conquered province, belonged to the victorious party, and every present outlook invited him to unite with the dominant party, for both political and financial fortune. But his sense of justice and patriotism was too deeply woven in the fabric of his nature to be drowned by the siren temptations of the spoliator, and he stood true to his convictions and his manhood, unscathed by the political cyclone which swept Arkansas. He is an eminent refutation of the slanders which circulate as political coin in the north, misleading the masses in the belief that southern men are prejudiced against northern or Union *gentlemen*. He has labored long and zealously for the material advancement and prosperity of the State, and his fellow citizens delight to honor him for his worth. He was active in aiding the native element in securing control of the State, and in recognition of his valuable services in this direction, the democratic State convention of 1876 accredited him as a delegate to the national democratic convention which assembled in St. Louis in 1876. In 1880 the democracy of Lee county elected him to the legislature, where his fine abilities soon found recognition in his election as speaker *pro tempore*. In the fall of 1882 the democracy of Lee county re-elected him to the legislature, and at the session of 1883 he was made chairman of the judiciary committee. In 1884 he was elected to his third term in the legislature, and was chairman of the committee on circuit and justices' courts at the session of 1885. In January, 1886, he was elected president of the State Bar Association, in recognition of his abilities as a lawyer and presiding officer. He is well versed in parliamentary law, and presides with dignity, ease and facility. His fine appearance and suavity of manner lend a charm to the discharge of official duties.

The State democratic convention, which convened at the capitol in June, 1886, elected him president of the convention. In September, 1886, he was elected by his friends and neighbors to a fourth term in the legislature, and that body, when it convened in January, 1887, elected him speaker of the house. He is a fine lawyer, an affable, courteous gentleman in all the relations of life, and is a fine party manager and leader.

HON. A. B. WILLIAMS, WASHINGTON.

Judge Williams was born near Burkeville, Cumberland county, Kentucky, the 9th of April, 1828. In 1830 his father moved to the territory of Arkansas and settled in Hempstead county, where the son has since continuously resided, with the exception of five years' residence in Pike county, Arkansas. He embraced all the educational facilities the country then placed at his disposal, and at the age of seventeen was prepared to enter on a collegiate course, which he did at Wirt College, Sumner county, Tennessee, where he graduated in 1848, two years before the author entered the same institution. He returned home from college and entered the office of Judge Field in Washington, Hempstead county, as a law student, and in the latter part of 1849 was enrolled as a member of the bar.

In 1860 he was elected county and probate judge. In 1862 he was elected to the State senate. In 1865 he was elected circuit judge under the organization of the Confederate States government, but when the Confederate States collapsed, his commission died. In 1866 he was again returned to the State senate. In 1884 he was appointed judge of the ninth circuit, and served in that capacity a short time. In October, 1886, President Cleveland appointed him on the Utah Commission under the Edmonds bill (and the senate subsequently confirmed him), to fill the vacancy occasioned by the death of Colonel J. R. Pettigrew. An able lawyer who has known him long and intimately says of him: "He has a strong mind and most excellent judgment, and is a good judge of human nature. He knows how to select and to carry a jury with him; his judgment and tact in this respect is rarely equaled. He is strong and persuasive in argument; is a fine practitioner. In my judgment he has no superior as a criminal lawyer in the State. Some of his best efforts in criminal cases would do credit to the ablest criminal lawyers of the nation. He is modest and unassuming, and does not impress any one on first acquaintance with the idea that he is a man of ability, and in this respect "is a great sell." Such is Brice Williams when in full vigor of health.

HON. THOMAS C. McRAE, PRESCOTT.

Hon. Thomas C. McRae was born at Mt. Holly, Union county, Arkansas, December 21, 1851. After accomplishing an academic education he went to New Orleans, and took a thorough course in a business college; from thence he went to the University of Virginia, and graduated in the law department, and in January, 1873, was admitted to the bar. In 1877 he represented Nevada county in the legislature. In 1881 he was a member of the electoral college, and voted for Hancock and English. In 1884 he was elected chairman of the democratic State convention and delegate to the democratic national convention at Chicago, and to the forty-ninth congress to fill the unexpired term of the Hon. J. K. Jones, who was elevated to the senate. In 1886 he was elected to the fiftieth congress. These rapid promotions to high offices indicate the great popularity of the young man in his district. He has an aptitude for politics—a personal magnetism which wins the popular heart and becomes formidable when an opponent gets in his political pathway. Those who have heard and know him best pronounce him an able, a plausible debater, and fascinating speaker. His past record certainly indicates a future full of promise to himself and the State.

GENERAL ROBERT C. NEWTON, LITTLE ROCK.

General Robert C. Newton was born in Little Rock, June 2, 1840, of ancient English lineage, whose history extended back into colonial times more than two hundred years. His father came to the territory of Arkansas in 1830, a poor, wandering youth, seeking fortune and place in the wilderness, and afterward acted a very prominent; honorable and conspicuous part in the early politics and history of the State. He was cashier of the old Real Estate Bank; was clerk of Pulaski county for several years; was elected and served three times in the lower house of the State legislature, and served his constituents two terms in the State senate. In 1841 President Harrison appointed him United States marshal for the district of Arkansas, and in 1847 he was elected to congress, an honor never conferred on any other old-line whig in Arkansas prior to the

final dissolution of that party. General Newton's uncle, Thomas Newton, was a commodore in the United States navy, and died in 1860. His maternal grandfather, Colonel John Allen, died leading his regiment into action at the battle of the River Raisin. His maternal aunt, Eliza Allen, married Thomas Crittenden, and is the mother of ex-Governor Thomas S. Crittenden, of Missouri, and by a second marriage is also the mother of ex-Governor Eli Murray of Utah. One of the general's ancestors married the sister of President Monroe. He is also related to the deceased widow of President Lincoln. General Newton was partly educated at the Western Military Institute in Tennessee. He studied the languages and mathematics under an excellent private tutor. He commenced reading law at the age of eighteen, and was admitted to the bar in 1860. He entered the Confederate army in 1861, as a private, and was in the battles of Woodsonville, Shiloh, Corinth, Prairie Grove, Helena, Little Rock, Jenkins' Ferry and many minor engagements. He was successively promoted to various military offices until he was acting brigadier-general in command of the Arkansas State troops, at the end of the war. Governor Baxter, in 1873, appointed him major-general of the State troops, a position which he filled during the Brooks-Baxter war under martial law, and on several occasions since then his head quarters have been in the field. General Newton was eminently social in his relations to society and was at times a florid speaker; then, again, a close logical reasoner, and was always effective before a court and jury. He died at his residence in Little Rock since the above was written.

HON. T. C. HUMPHRY, FORT SMITH.

Judge Humphry was born on a farm in Logan county, Arkansas, December 20, 1846, the son of Hon. Charles Humphry, representative in the legislature from Scott county in 1840. When the late civil war commenced he was but fourteen years old, and had, up to that time, enjoyed but very limited facilities to acquire an education, all of his time after he was old enough to go to school being required on the farm. At the age of seventeen he volunteered his services as a soldier in the Confederate army, and served as such near two years, being discharged a



HON. THOMAS C. HUMPHRY.



GEN. ROBERT CRITTENDON NEWTON.

few months before the surrender of the Confederate armies, because of physical disability occasioned by exposure in the army. At the close of the war he settled at Galla Rock in Pope county, and bent every energy and resource of his nature to acquire an education under very uninviting circumstances. He attended a common school five months in 1865, and advanced very rapidly; after this, necessity forced him to become his own tutor. He was soon able to teach a common neighborhood school, and in this way defrayed expenses and sustained himself. He read medicine under Doctors Talbot and Leith at Galla Rock, near two years, and then attended the Missouri Medical College in St. Louis two sessions, and graduated from that institution in 1869. Doctor Humphry practiced medicine about three years, and then abandoned that profession because he found it uncongenial to his taste, and removed to Judsonia and opened a drug store, which in turn grew monotonous, and he entered the political arena in 1874, and was elected to the legislature from White county, and did good service in the memorable session of 1874-5. Prominent in his legislative record was the bill introduced by him asserting and seeking to enforce the assumed right of the State to tax railroad lands, which became a law, and was very warmly and ably contested in the supreme court of the State and of the United States, the litigation resulting in sustaining the act. Whilst a member of the house he was often called to the chair to preside as speaker *pro tem.*, and discharged the duties imposed by that office with marked ability.

In 1876 he returned to Logan, his native county, and read law two years privately at his own home, and was admitted to the bar, but was not satisfied with his qualifications, and entered the post-graduate class of the law department of the University of Louisville, and at the end of one year graduated in that institution with the degree of doctor of laws, and was soon after admitted to the bar of the supreme court of the State. In 1879 he was appointed probate and county judge of Logan county, to fill an unexpired term of one year, and in 1880 was elected to that office by the people on the democratic ticket. In 1881-2 he owned and edited the *Paris Express* in the interest of the democratic party and the people. Judge Humphry has attained

high masonic honors and promotion from the humblest position in subordinate lodges to the most worshipful grand master of the State. In the fall of 1886 he removed to Fort Smith, where he continues his professional pursuits.

THOMAS J. OLIPHINT, LITTLE ROCK.

Thomas J. Oliphint was born near Murfreesboro, middle Tennessee, on the 22d of March, 1842, the son of an itinerant Methodist preacher. In 1844 his parents moved to west Tennessee, near Memphis, and in 1854 to White county, Arkansas, where the son received an academic education. He volunteered as a Confederate soldier in April, 1861, and served during the entire war when not restrained by the stern influences of a Federal prison. General Pat. Cleburne was his first colonel. Colonel T. D. Merrick led the Tenth Arkansas infantry in the bloody battle of Shiloh, and the knightly plume of young Oliphint waved over that field of carnage, and the rattle of his needle-gun swelled the chorus of war.

After the battle of Shiloh he was transferred to the trans-Mississippi department and joined the cavalry service, in which he rose to the grade of lieutenant. He was with General Price when he invaded Missouri, was in many skirmishes and battles, but was captured on Price's retreat and confined in the penitentiary barracks at Little Rock, where he was permitted, at the expense of the Federal government, to muse on the vicissitudes of war until its close, in the spring of 1865. The exchange of the relations of a soldier for those of a civilian found him without means, with a widowed mother and several sisters to support. With this task before him he went bravely to work, learned the photographer's art, and with it accomplished the task before him, reading law at intervals of leisure. No idle time ever accumulated on his hands. In due time he was licensed, and practiced his profession at Searcy two years, then came to Little Rock, where he yet resides. His ambition, nursed with untiring industry, enabled him to prepare and publish "Oliphint's Digest" of the decisions of the supreme court of Arkansas, being a continuation of the work of Judge Rose, from the 22d to the 44th Arkansas Reports, a work involving great labor and fine legal discrimination, and of great assist-



THOMAS J. OLIPHINT.



GEORGE THORNBURGH.

ance to the profession. Scotland and Ireland claim a monopoly of his blood and brain ; a cross of Celt with Celt, full of self-confidence and strong pertinacity of purpose well defined in Brother Oliphint, which has, balanced with the restraints his good judgment throws around it, constantly carried him forward and upward. Every year with him has marked a nearer advance to the front rank, which contains the seat he toils to fill in the near future.

HON GEORGE THORNBURGH, WALNUT RIDGE.

Hon. George Thornburgh was born in Mason county, Illinois, January 25, 1847, and is of English-German extraction. When eight years of age his father moved to Smithville, Lawrence county, Arkansas, where he grew to man's estate. His educational facilities and opportunities were extremely meager, but he had the taste, the desire, and the noble resolution to overcome and surmount these obstacles by self-culture and self-denial. These elementary principles, in their nature, lie at the foundation, and are the best structural basis, on which to build a good name and a useful life, and fortunate is the youth who makes the discovery, and embraces it as a rule of action.

Mr. Thornburgh educated and polished himself, and advanced far enough in the field of literature and science to become a practical teacher at Hillhouse Institute and New Hope Academy, both institutions in Lawrence county. In 1867 he began the study of law at Smithville under the supervision of Colonel Baker, and in 1868 entered the law department of Cumberland University, Tennessee, and remained there but one session, but by extraordinary application accomplished as much as the average student does in two sessions. He was admitted to the bar in the winter of 1868, but did not enter on the regular practice of his profession until 1873, when he opened an office in Powhattan, Lawrence county. He is a hard working steward in the Metholist church ; is quite distinguished in his masonic relations ; was grand master of the State in 1878 and 1879, and grand high priest in 1880, and deputy grand master ; has been active and efficient as alderman, school director, Sunday school superintendent and president of a large manufacturing enterprise at Walnut Ridge, where he now resides.

All the duties imposed by these numerous and varied relations have always been well and faithfully discharged.

In 1870 the electors of his county returned him to the legislature, but the dominant republican party arbitrarily excluded him. In November, 1872, he was again, by an almost unanimous vote, returned to the legislature, and in the session of 1873 became famous as an obstructionist to radical legislation. In 1876 the democracy of his senatorial district nominated him for the State senate, but he declined on the ground that his professional engagements demanded his entire attention. In 1880 he was nominated and elected to the general assembly and that body elected him speaker of the house on first ballot, a high but well-earned and deserved compliment. In 1884 his well-pleased constituency of old Lawrence again sent him to the capitol to represent them in the halls of legislation, and his abilities and efficiency were recognized by the speaker, who made him chairman of the judiciary committee, an important position in all legislative bodies. Those who know him best pronounce him a good lawyer, citizen, adviser and Christian gentleman, but the circumstances of his life and the positions of honor and trust which he has filled and discharged without just criticism or censure pronounce his best eulogy. At this writing he is prominently spoken of as a candidate for governor.

HON. STIRLING R. COCKRILL, LITTLE ROCK.

This young jurist was born September 26, 1847, in Nashville, Tennessee. He combines the best lineage and historic blood of his native State, a fusion of the Cockrill, Robertson and Harding blood — pioneers who came in the vanguard of civilization in her march across the Alleghanies into the dangerous and pathless wilds of the west. James Robertson, one of the number, commanded and led these "bold spirits of the border" into the wilderness. Edmund Kirk, in his "Rear Guard of the Revolution," describes him "as a man of great ability, possessed of transcendent genius to command." Great, not in that sense which distinguished Greece in the Attic era of her classic greatness, but great in iron will and noble antagonism to every element which impeded the march of civilization from the historic James to the Pacific ocean. These men rode the



HON. STIRLING R. COCKRILL.

storm and braved the whirlwind — they are splendid types of that robust manhood who have written the history of our civilization in the best blood of our race. These pioneers pitched their tents on the banks of the beautiful Cumberland, where Nashville now stands, and began the heroic work of founding a mighty State. The author was born hard by on the ground hallowed and consecrated by these pioneers and his own ancestors, who came in the same tide. On the mother's side Judge Cockrill is descended in a direct line from Robert Bruce, the hero of Bannockburn, who won and maintained Scotland's crown, by vanquishing Edward II and Edward III in succession. This descent comes down through Sir Thomas Moore, the first great lawyer who held the great seal of England. From him it reaches Brevard Moore, the common ancestor of Judge Cockrill's mother and General Robert E. Lee of imperishable memory. It is not generally known that our chief justice is a lineal descendant from one of the lord high chancellors of England. In democratic America we feel proud of all that is great and good, if we do repudiate the divine right of kings and artificial orders of nobility.

Scientists, following the laws of reproduction, have very plausibly suggested that the military genius of General Lee comes from the hero of Bannockburn, who conquered Edward II in the early years of the fourteenth century. The same laws invite the same speculation and suggest that the judicial talents of our chief justice hail from Sir Thomas of the Wool-sack. But whether the theory or speculation is Utopian, or founded in profound philosophy, we have in corroboration of the presumption able generals and able jurists—striking prototypes, a *prima facie* case, and there we are willing to rest without extending our research farther for fear we might stumble on a cobbler or disturb the ashes of many humble members of the same line who do not swing so high on the genealogical tree. But these things do not disturb the equation of our speculative science, and need not be discussed, they are common to all mankind.

Judge Cockrill attended the common schools of Nashville until the non-combatant members of the family were banished the Federal lines in 1863. After leaving Nashville the young

man attended the military school at Marietta, Georgia, and followed up his military education by joining the Confederate army when a beardless youth of sixteen. He was in the battle in front of Atlanta, and was wounded by a spent minie ball. The boy followed the waning fortunes of the Confederate army under the command of Joseph E. Johnston, without ever leaving his command a day. He was loved by his command for his soldierly bearing, and was made a sergeant of artillery. At Salsbury, North Carolina, his battery was charged by a Federal squadron under the command of General Stoneman, now (1886) governor of California, and the boy-gunner discharged two charges of canister at the gallant general before he was rode down and captured by the cavalry. The youthful gunner could not handle a cannon as he could smaller arms, and General Stoneman owes his life to that circumstance. To the honor of the jurist he expresses great gratification that his canister did nothing more than cover the general and his gray charger with dust and dirt.

One of the most fortunate eras in his life is embraced in a sojourn of three years in a secluded village of Virginia, immediately succeeding the war, with his transcendently great relative, General Robert E. Lee, who at Washington College, under the most careful training, imparted a classical education to the young man which is now bearing rich fruit and leaving its lasting impress on the State of his adoption. The degree of bachelor of arts was conferred by the faculty. After leaving this seat of learning, he entered the law department of Cumberland University at Lebanon, Tennessee, where he was graduated in 1870. In October, 1870, he came to Little Rock, where he had neither friend, acquaintance or prestige from any source to advance the professional career upon which he immediately entered. Talent, energy and good habits were his sole capital and reliance. The author then resident in Little Rock was one of the first callers at his office and was much prepossessed with him — asked him out to dine with his family, and said to his wife that evening, “a young man of fine promise and attainments will dine with us on the morrow.” I was not alone in the enjoyment of this opinion. I have always loved gifted and worthy young men. This feeling has impelled me to

notice many such in this volume whom others would have omitted. Gifted young men are the nation's jewels; in them her hopes are centered, on them her perpetuation and glory depend.

Judge Cockrill's first year of probation at the bar was attended with some hardship and privation, but it was not long before his talent asserted itself and burst through the clouds and opened the way to the splendid possibilities afterward achieved. In May, 1872, when his star, with ascending node, began its transit across the plane of obscurity, he took unto himself a wife in the person of the accomplished Mary Ashley Freeman, granddaughter of Bishop Freeman, of the Episcopal church, and the great Chester Ashley. Following closely on this event, fortune threw another pearl in the pathway of the future chief justice in the business copartnership and intimate personal relations between him and the Hon. A. H. Garland, whom Arkansas has so often and so long delighted to honor. This relation continued until public duties called Governor Garland from professional pursuits. This partnership was a great stepping-stone to the junior. It lifted him to the altitude of State fame, and he had the genius to support the flight and sustain it after the dissolution of the partnership. William Cummins had performed the same kind offices for Governor Garland in his youthful days when Hempstead county was the circumference of his budding fame. The chief justice yet remembers the author's advice to him in the fall of 1870, before he had received his first retainer, "keep your office and it will keep you." In a letter to the author after his elevation, he says: "Your advice stuck in my memory and many times gave me hope; I had acquired industrious habits and knew how to study; I always kept your advice and 'kept my office,' business or no business, and made familiar friends with the law writers. It is the only true road to success."

In 1884 his fame as a lawyer had compassed the State, and the democratic convention of that year nominated and elected him to the office of chief justice, made vacant by the death of the lamented English. He attained to that high office at the remarkable age of thirty-seven, and is the eleventh chief justice in

the order of succession. He is a graceful and fluent writer, and is master of the purest English. His abilities are conceded by the bar and he is fast laying the foundation of a well-earned and an enviable fame as a jurist. On the bench, as at the bar, he is affable and courteous, with winning and engaging manners, never obtrusive, and never shrinking from duty or avoiding just responsibility. Some of his pioneer ancestors were great hunters, and he inherits a keen relish for the sport the gun affords as a means of pleasure and recreation.

HON. JOHN CARROLL, EUREKA SPRINGS.

Colonel John Carroll was born in Wythe county, Virginia, August 30, 1828, and is a descendant of John Carroll of Carrollton, of independence fame. When the boy was three years old, his father moved to, and settled in, the Cherokee nation, then embraced in the limits of Tennessee, and including the area now embraced in Hamilton, Meigs and other counties not then laid off. Educational facilities were exceedingly limited, and all the schooling young Carroll ever received was acquired by attending school a few months with Indian children; but it was enough to excite and stimulate his thirst for knowledge, and he became his own efficient educator; not classically, but useful and practical. In the latter part of 1837, and early part of 1838, the Cherokee Indians were removed from their reservation in Tennessee, and the father of young Carroll followed their fortunes, and in February, 1838, settled in the Indian territory near Fort Gibson, on the Arkansas river. The boy grew to man's estate in company with, and the associate of Indians, and in 1851 married an educated, full-blooded Cherokee lady. In 1853 he moved to McDonough county, Missouri, and settled down to farming. When the civil war commenced in 1861, he raised a splendid cavalry company and joined Price's forces at Pineville, Missouri, and was assigned to duty as captain in Colonel Tolbert's regiment of cavalry. He participated in the battles of Oak Hill, Lexington, Dugg Springs, Elkhorn, Prairie Grove, and a great number of skirmishes and battles of less note, and never received the slightest wound; but his father and three brothers (all Confederate soldiers) were killed in battle in less than



HON. JOHN CARROLL.



THOMAS MARCUM.

eighteen months from the beginning of the war. In 1862 the Missouri State troops were disbanded and reorganized as Confederate States troops, and Captain Carroll was elected captain in an infantry regiment, and served under General Parsons for about two years, at the end of which time he was commissioned colonel and detached on recruiting service, and raised and equipped four hundred cavalry, but the war ended before the latter were brought into action.

After the war Colonel Carroll settled in Madison county, Arkansas, and read law for several years before obtaining license. In 1866 he was elected to the legislature as a democrat. In 1874 the same constituency elected him to the constitutional convention, both of which positions he filled to the satisfaction of his constituents. After 1874 he retired from politics, and settled down to the practice of his profession at Eureka Springs. In October, 1885, President Cleveland appointed him United States marshal for the western district of Arkansas, which position he now holds. He is nearly related to Governor Carroll of Tennessee, and very strikingly resembles that branch of the family.

THOMAS MARCUM, FORT SMITH.

Thomas Marcum was born September 13, 1843, in Breathitt county, Kentucky, in a stately mansion on his father's farm overlooking the Kentucky river. His paternal ancestors emigrated from England long prior to the Revolutionary war, and settled in Pennsylvania, and from thence some of them moved to the colony of Virginia. Many of them became soldiers in the Virginia Continental line in the war of independence, and achieved honorable distinction. His grandfather, Thomas Marcum, was the friend and companion of that noted explorer and pioneer Daniel Boone, with whom he crossed the mountains and settled in the fertile wilds of eastern Kentucky, where Alfred Marcum, the father of the subject of this sketch, was born in a block-house, amidst the exciting and stirring scenes of Indian warfare. His great-grandfather married a Cherokee lady of three-fourths Indian blood. His father was a self-made, self-educated man, and attained local eminence as a mathematician, physical giant and esteemed citizen.

Mr. Marcum claims to have made a good hand on the farm until nineteen years old, but the assumption is uncorroborated, and without additional testimony I do not feel justified in embracing his conclusion on this point, on general principles—such a *rara avis* is likely to be better at any thing else than general farm work; in fact, and in the nature and fitness of things, it is almost certain that he was a conspicuous failure as a farm-boy. In 1862, when he was eighteen years old, and six feet high, with a plug hat balanced on his head at an angle of thirty degrees from perpendicular, his father sent him on one of his finest horses in a hurry to a neighboring village on an errand, and never saw either him or horse any more until the war was over. He fell in with a recruiting officer for the Federal army, listened to the animating music of drum and fife until he was electrified, and he at once became a Federal soldier, and a good one, and was made first field sergeant because of his conspicuous height. The boy had plenty of the soldier's courage, and at the battle of Perryville was promoted to the office of orderly sergeant for gallantry. In 1865 Governor Bramlett appointed him colonel of the Eighteenth Kentucky militia. After the war he attended the common schools of the vicinage, taught school awhile and educated himself, and is, in every sense of the term, a self-made man. He studied law two years, part of the time under the supervision of John H. Riddell, whose sister Kitty he afterward married. He was admitted to the bar at Jackson, Kentucky, in the fall of 1867, and was very soon afterward appointed circuit court clerk of Owsley county, to fill an unexpired term of two years. In 1869 he moved to Hempstead county, Arkansas, and for one year acted as prosecuting attorney *pro tem.* of the ninth circuit. In 1871 he moved to Fort Smith, where he has continued to reside, being chiefly engaged in the criminal practice in the Federal court. Mr. Marcum has never been an office seeker, but is an energetic, effective and untiring worker for his brother democrats whenever his services are needed in the field or on the rostrum. When he is piloting a lawsuit through the legal breakers, no matter how desperate his cause may appear, his adversary may well be on the alert for a cyclone. To illustrate: The following episode occurred in the Federal court at Fort

Smith in the fall of 1885, during the progress of an interesting trial.

A Cherokee Indian defended by him was on trial, charged with the larceny of a very large fat pork hog. A large number of witnesses, of both sexes, were in attendance, and were about equally divided, for and against the prisoner. The parties were all from the neighborhood of Lightning Creek, in Going Snake district, Cherokee nation, and in general make-up and personnel appeared to be far above the average Indian. When the government concluded the evidence in chief the proof appeared to be overwhelmingly against the prisoner, and Judge Clayton, then district attorney, twirled his fob-chain and with a confident and complacent smile, said: "The government rests." At this juncture several attorneys, including the author, called Mr. Marcum aside, and very patronizingly advised him to withdraw the plea of not guilty, and throw his client on the mercy of the court. "B—d—m—d if I do," was the characteristic reply, "this is a case of mistaken hog-identity." At this intimation we knew something racy was in reserve, and hung up our coats and laid down our papers, and telephoned the judge of the State court, then in waiting for us, that we were unexpectedly detained for several hours at the Federal court, and to pass our cases until we could get there. Mr. Marcum's mouth very much resembles Henry Clay's, but is somewhat larger than the noted vocal organ the distinguished Kentuckian carried through life. It is an important and accommodating factor, and readily responds in the affirmative when called to embrace either ear, and when truth and logic and law fail, this celebrated mouth often leads the forlorn hope and snatches victory from the over-confident adversary. Five good-looking witnesses for the defense testified in Creek, through the medium of an interpreter, that the hog in question was twenty years old; that they had known him from the day he was pigged on Lightning Creek; that he was lean and lank, and was of that almost extinct species known as shad-bellies and razor-backs, with proboscis long, keen and sharp, so much so that he was often seen to poke it in the neck of a quart bottle and drink buttermilk therefrom; that the defendant killed the hog, not to eat or appropriate, but to rid himself of a long-standing nuisance.

The auditory was large, and, from the grave and dignified judge to the humblest Indian in the room, was convulsed with laughter. After silence was partially restored, Mr. Marcum gave his facial ornament a double shuffle, leaned over the table and said patronizingly to Judge Clayton: "The defense rests, judge; have you any thing in rebuttal from Lightning Creek or Going Snake district?" Judge Clayton tried to stem the roaring tide which had so unexpectedly set in against and overwhelmed him, but his effort was as futile as a whisper would have been to stay the tide of Niagara. Marcum's reply was the crystallization of satire, though he tried not to transcend the limits of serio-comic criticism. Verdict, not guilty. Every juror who sat in that case will admit to-day that he did not believe one word of "Marcum's testimony," as they put it, and will roar with laughter at the mere mention of the case.

On another occasion in the State court he assisted the State's attorney in the prosecution of a Choctaw Indian charged with the commission of a felony, the crime depending (under the peculiar phraseology of the statute) on the Indian's knowledge and ability to understand and speak the English language. The author defended the Indian. Every detail going to make out the offense was clearly proved, except the Indian's knowledge of our language; that point was entirely overlooked by the prosecution.

Mr. Marcum opened the argument by stating that he was embarrassed, greatly embarrassed, to divine or think of any defense whatever on which his hardy and robust friend could base a defense; that every fact was admitted, and nothing in extenuation or mitigation had been offered by the defense, and he facetiously said, "but there are exceptions and departures from all general rules, and it has been wisely said that fools step in where angels fear to tread." I have offered to submit this case without argument; the offer was declined; no argument can be made, when, as in this case, law and fact are undisputed. If the gentleman does, or can, offer any thing worthy of consideration or reply, the prosecuting attorney will attend to it," and down he sat. Such an admixture of humor, spicy wit, bold and derogatory assumption was enough to stir up ridicule and sarcasm. And the author, in reply and defense,

said : Burke never uttered a more profound aphorism than when he said " he who too hastily criticises the follies and frailties of mankind blasphemes his God," and the squirrel-headed gentleman from the black-jack flats and whip-poor-will ridges of Kentucky shall have the benefit of the admonition ; and I am content to say that, at least on this occasion, he seems richly endowed in that unquestioned bliss which breeds and dwells in profound ignorance. I admit the force of the gentleman's quotation, and that it has been wisely said that " fools step in where angels fear to tread," but insist the jury shall make the application. I then read the statute, the peculiar phraseology of which had entirely escaped the gentleman's attention, and dwelt on the fact that the proof of the Choctaw's knowledge of the English language was conspicuously absent. This fell on my friend like a cyclone in a hay-field, and but for the frailty of juries and the versatility of his mind, he never could have recovered ; he was much agitated, and offered the prosecuting attorney \$50 for his place in making the closing argument, which was granted, without reward. Then the author knew he would receive " a Roland for his Oliver."

Mr. Marcum commenced his reply by saying, " my big-bellied friend from the penneroyal regions of Tennessee has gone scalping through the black-jack flats of Kentucky where I was raised and has whooped me up very lively, he imagines. Now, gentlemen, you are honest, fair-minded men, and want nothing but what is right. Listen to me ; I will put him to flight in two words ;" at this he pulled out a one hundred dollar bill, and offered it to the author if he would upon honor state whether the Choctaw could speak the English language, and thus open up the proof for the benefit of the closing argument on a point fatal to the prosecution if the jury regarded the *evidence*. The proposition was declined *ex necessitate rei*; and the jury found from this circumstance that the Choctaw could speak English. Mr. Marcum is a very fine criminal lawyer, and when necessary in discussing either law or fact he is a close, logical and forcible reasoner, and he never tires his audience. But if the author were to say he knows nothing about civil law, simply because he never devoted his attention to that branch of law, he would resent and controvert the imputation, and for

this reason we decline to discuss him in that light. He is brother-in-law to B. F. Rice, ex-United States senator from Arkansas, also to M. W. Benjamin, a prominent lawyer at Little Rock. All of these gentlemen married sisters — Misses Riddells of Kentucky.

JOHN LOAGUE, MEMPHIS.

As my caustic friend Loague has a lively interest in Arkansas, representing many shekels, which possibly may continue for a long cycle of years, I give a synoptical glance at his life. He was born in Londonderry, Ireland, April 1, 1829, and is a living refutation of the ancient superstition connected with births on that day.

He acquired a fine education at Gwynne's Institute on Creggan Hill, in his native city, and came to America in 1848. After surveying the greater portion of North America, he finally cast permanent anchor at Memphis, Tennessee, in 1860, where he yet resides. Politically an agnostic, he came to swim, and never embraced any party until his political sagacity convinced him that it could return the favor handsomely. He was a non-combatant during the war, and succeeded in maintaining a satisfactory neutrality. His political sagacity is wonderful — it has never deceived or misled him. He has held many offices of honor, profit and great trust, as indicated by the following tabular showing:

1. Clerk to the assessors of Memphis.
2. Four years member of the school board.
3. Six years tax collector of privileges.
4. Member of the constitutional convention of Tennessee in 1865, and secretary to the west Tennessee delegation in that body. Here, to his everlasting honor be it said, he voted to strike down Brownlow's disfranchising laws.
5. Surveyor and collector of the port of Memphis, to which he was appointed by President Johnson.
6. County court clerk of Shelby county, Tennessee, for four years.
7. Mayor of the city of Memphis two years.
8. Member of the legislature of Tennessee.
9. President of a bank.



HON. JOHN LOAGUE.

10. Three successive elections to the office of public administrator of Shelby county, which includes Memphis, an office he now holds.

And last, but not least, he is a lawyer, and in that relation accepts an Oliver for his Roland.

These offices sufficiently indicate his power and popularity. He has always been on top in politics and never out of office for the last quarter of a century. He is full of warm impulses and never neglects a friend. In the classic language of the times, he rarely "goes" for an enemy, but when he does, the luckless fellow is apt to think all Dublin at his heels. The worst break he ever made was when he took Powell Clayton and company into his confidence and exchequer, and made that experience the occasion of a left-handed compliment to the author, at the expense of the bench and bar of Arkansas. For more than twenty years Mr. Loague has been the warm personal friend of the author. Socially, he is one of the most genial and companionable of men — is rich in that wit and happy repartee so characteristic of his nationality. The following letters explain themselves:

LONOKE, ARK., *December 17, 1886.*

HON. JOHN LOAGUE, *Memphis, Tenn.:*

MY DEAR SIR — Your caustic and ably-prepared indictment against the people of Arkansas relates to questions of the gravest moment to them. I have, therefore, prepared my answer with some degree of care. It has occurred to me that these letters, although written under the seal of privacy, possess sufficient interest to warrant their preservation. I, therefore, ask you to consent to their publication.

I am, truly, your friend,

JOHN HALLUM.

MEMPHIS, TENN., *Jan. 11, 1887.*

JOHN HALLUM, *Lonoke, Ark.:*

MY DEAR SIR — Your favor of the 17th of December, asking my consent to publish my letter of the 13th of December, and your cutting reply of the 17th was not sooner answered, because, at first, I did not look with favor on the idea of be-

coming the butt of your sharp, logical and eloquent reasoning, in the effort to sustain and defend a people who have embraced repudiation as a leading provision in their organic law. Although I have justice on my side, which ought to carry with it the pride of your people, yet I do not feel that I possess talent enough to vindicate the right. However, I have revised the original, and if you will let me substitute it, you have my consent to the publication.

I am, truly, your old friend,

JOHN LOAGUE.

MEMPHIS, TENN. Dec. 13, 1886.

JOHN HALLUM, *Lonoke, Ark.:*

MY DEAR OLD FRIEND — I see from the press you are engaged in writing a book, entitled “Bench and Bar of Arkansas.” I much regret you find leisure to undertake the performance of such a task, which must be as repulsive to you as it is herculean, in my opinion. Pardon an old friend for his gratuitous opinion, and the declaration that he does not think you capacitated by nature or education to *voluntarily* assume such a task. You have no doubt been professionally engaged to defend the “Bench and Bar of Arkansas,” before the great bar of public opinion.

If this is so, it is the best omen hailing from Arkansas since repudiation laid its palsied hand on her fame. Even the recognition that such a public necessity exists is a healthy indication that all of her people are not dead to her financial degradation. In pleading for and defending the “Bench and Bar of Arkansas,” you have a wide and difficult field for the display of great ability. The necessity for such a defense is recognized and will be appreciated in all the moneyed centers of the United States, as well as in many moneyless and obscure homes. Personally I am interested about \$60,000 on the wrong side of the trial balance of “Bench and Bar of Arkansas,” in the shape of *repudiated* railroad aid and levee bonds, a result brought about by the teaching and the preaching, the artful dodging and special pleading of “Bench and Bar of Arkansas.” I carry them all along with the trial balance, because the opinions of the Bench, unsustained by the Bar, would not long shadow the

name of Arkansas. There may be exceptions, but if there are, they are too obscure to engage the attention of the world, and all such will consider themselves exempt from this shot, as obscurity has no just demands on fame. What great talent it requires to paint, and picture, and color the "Bench and Bar of Arkansas" so posterity will not give their memory a dose of their own *repudiation*! Where, oh where, my fertile and ingenious friend, do you find margin enough for truth and wit, grace and elegance of diction, to give and lend an honest charm to the "Bench and Bar of Arkansas?" When *repudiation* becomes respectable abroad, and not until then, will your talent find its reward for defending the "Bench and Bar of Arkansas."

It would be some consolation to the outside world, in this age of progress, if we could be satisfied that the teaching and the preaching of the "Bench and Bar of Arkansas" had advanced the political sagacity of her Bourbon population above the attainment of her aboriginal inhabitants. But it requires poetic stretch of imagination to embrace such rugged consolation. I, who have paid \$60,000 for the financial information confirming these conclusions, ought to be heard before the bar of posterity when the case *In re* "Bench and Bar of Arkansas" comes on to be heard; and, if it is not asking too much, I beg you, as you are going to that Bar, to hand in this paper to the old chap for his dispassionate consideration; and, if you please, say to him, I would have come myself to press my suit but that I had the misfortune to be robbed by the other side, in consequence of which I am unable to defray the expenses of the long journey. But throw glittering generalization away, however well founded and cogently supported, and come to the unadorned truth connected with that greatest of all crimes—violation and disregard of the plighted faith of the State. On that high ground can Arkansas defend against the odium of repudiation, in face of the admitted and undenied fact that her lawfully constituted legislature authorized the issue of the railroad aid and levee bonds of the State; in face of the admitted fact that these bonds were issued by her authorized officers and were disposed of by them, as by law directed; in face of the admitted fact that her levees and her railroads were, to a great

extent, built with the money procured from innocent parties, who advanced it to the State on the plighted faith of these bonds?

Don't, I pray you don't, tell me your supreme court has fallen below the judicial standard ordained by Paganism, and has been carried away in the political maelstrom of hatred against the party in power when the bonds were issued. Don't, I pray you don't, tell me that the decisions of that high tribunal invalidating these bonds, are founded in and based on technicalities. If you do, let me assure you how great the wounded pride and deep the penitential humiliation of a people, who are forced to confess themselves driven to such miserable shelter. Technicality is a bastard, an alien to the throne of reason and justice, and has no place, no share in the glory and good name of a great people. It originated in the black-letter ages of our semi-civilized ancestors, and has no place in the shield and halo of light and reason which now encircles the world. A supreme tribunal is the nearest approach in theory and beauty of conception man ever makes to his God in disposing of the affairs of this world. Such a tribunal can have no higher incentive than the enlightened administration of law, and to shield and preserve the honor of the people who created it. Pardon my anticipation, because I have studied your laws and have kept up with your decisions and are familiar with the only ground you can occupy in reply. That your courts have yielded to the popular frenzy of the electors who placed them in power, and have fixed the loss on the innocent bondholders, and left them without remedy, may be a physical, an arbitrary fact; but it is no answer to the great principles involved in my indictment against them.

The State has my money and I am powerless. Is there an impartial judge in the world who would say, a stranger who had advanced his money to the State, to aid in its moral and physical development, in conformity to the solicitation and laws of the State, ought not to recover his money? Legalized fraud under the specious forms of law is but the crystallization of odium, the deathly fruit of repudiation. It seems to me that the laborious task on which you have entered in defending the "Bench and Bar of Arkansas," is full of Herculean obstacles,

and that the best thing you can do, after you write finis at the end, is to consign it to everlasting obscurity. Repudiation, indorsed and sanctified by the legislature, defended by the Bar and sustained by the Bench, is indeed a fearful indictment to meet at the enlightened bar of public opinion, either now or in the great hereafter. The amendment to your State constitution, denying the creation of a tribunal to investigate and separate the good from the alleged fraudulent debt, is an anomaly to the English speaking races of the world. It carries your people back to the worst reigns of the Stuarts and Plantagenets, and repeals *Magna Charta*, the great chart of our liberties, "the grand original." It condemns without hearing, and confiscates without adjudication. The vote of a large majority of your people in favor of such retroactive, organic provision, sweeping millions of debt away, by arbitrary fiat; without permitting investigation of questions growing out of its bonded debt, was a grave mistake against the laws, traditions and liberties of our race. Innocent creditors have been stricken down with ruthless hand, deceived and robbed. The most sacred sanctions and guaranties have been violated.

Before I invested in these bonds I went to Little Rock and consulted with Governor Clayton and all the State officials high in authority, as to the validity of these bonds, and I was assured by his excellency and all of them that the bonds were issued in strict conformity to law, and I left them, perfectly satisfied that such was the case, and I am still so satisfied. But there is no guaranty against repudiation with a people who have no State pride. You have placed the seal of condemnation on your Governor Clayton, your Auditor Berry, your Treasurer Page and Secretary of State White, for the part taken by them in the issue of these bonds. Do these gentlemen stand disgraced in the State, or have the people said to them: We appreciate your action in getting our railroads and levees built with bonds which we do not intend to pay, and we honor you for your skillful management? Answer these questions to the satisfaction of the present and future generations, my lord advocate of "Bench and Bar of Arkansas," and you will achieve a niche worthy of your talents. What can you tell us about your amended constitution, designed as an

everlasting seal to the glory of repudiation? You must admit that it is a movement of stupendous folly, a solemn mockery of the laws and traditions of our race for the last six centuries.

The late civil war with all its train of evils was nothing compared to the destructive elements thus recognized and established as organic law. The old Norman lords and barons of England accomplished nothing for Arkansas at the beginning of the thirteenth century, when they foolishly seized King John in that historic isle of the Rannymede and made him sign the great chart of English liberty and law. The achievements of those rude but sturdy old ancestors for long centuries have been regarded as the greatest recorded in the annals of our race, and they have been worshiped as historic idols in every quarter of the enlightened world except benighted Arkansas. The law-making sages of your State have applied the torch to this heritage. As matter of curiosity to the future historian and reader, I herewith give you a synoptical copy of two of these bonds, and beg you to preserve them in your book, should you persist in publishing it. I hope you will give these bonds that profound consideration the subject deserves, and that you will not swing to the other end of the pendulum so far as to disqualify yourself from representing my interests. Arkansas ought to be brought back to her proper mooring, and by enlightened persuasion, it may possibly yet be done.

I am, truly, your old friend,

JOHN LOAGUE.

2—\$1000 Bonds.

United States of America.

It is hereby certified that the State of Arkansas is indebted unto the Mem. and Little Rock R. R. Co., or bearer, in the sum of one thousand dollars.

Signed, In the city of Little Rock, 1st day of April, 1869.

J. R. BERRY, Auditor.

POWELL CLAYTON, Governor.

ROBT. J. L. WHITE, Secretary. }
HENRY PAGE, Treasurer. }

Seven per cent interest payable April and October. Coupons of April, 1873, and subsequent, attached.

2—\$1000 Bonds.

United States of America.

It is hereby certified that the State of Arkansas is indebted unto the Miss. and Ouachita and Red River R. R. Co., or bearer, in the sum of one thousand dollars.

Signed, In the city of Little Rock, 1st day of April, 1870.

POWELL CLAYTON, *Governor.*

J. R. BERRY, *Auditor.*

ROBT. J. L. WHITE, *Secretary.* }
HENRY PAGE, *Treasurer.* }

Seven per cent interest payable April and October. Coupons of April, 1873, and subsequent, attached.

The good name of Arkansas has been slandered and her people traduced at home and abroad. This answer to the indictment against both is designed to put the facts and the authors of the wrongs inflicted in their true light, sustained by indubitable proofs.

THE AUTHOR'S LETTER IN ANSWER TO JOHN LOAGUE.

LONOKE, ARK., Dec. 17, 1866.

HON. JOHN LOAGUE, *Memphis, Tenn.:*

DEAR SIR—Your characteristic letter of the 13th, so full of irony and impetuous indignation against the Bench and Bar of Arkansas, is in keeping with the impulsive nature of your race. Ireland for centuries has been unable to inaugurate a compact revolution, because the impulses of her sons override and overbalance her judgment. So with you, my friend, your impulses, growing out of your violent prejudice, destroy your capacity to make a compact argument. Invective and denunciation, however attractively clothed in beautiful and felicitous language, can never take the place of reason. In our efforts to captivate the admiration, we often lose sight of the less dazzling, yet higher attainment, necessary to command the assent of reason. But compensating balances may be found in other national traits peculiar to your race. When an Irishman cannot play the lion, he scorns to play the fox. If he is your enemy he disdains secret injury, shouts his war cry at noonday, and comes at his enemy like an eagle cleaving the clouds. These are noble traits, and will always command the respect of men, however disqualifying for

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the latitude of diplomacy. There can be no doubtful construction of the issue you tender the Bench and Bar of Arkansas, but you accord me an honor, to which I am not entitled, in assuming that I am their champion. The gentlemen composing these honorable bodies are fully competent to the task of taking care of themselves, and it would be an act of unauthorized arrogance in me to speak for the living, but I may be pardoned for resenting an imputation on the memory of the dead, to which I will presently devote myself.

In this free country criticism is alike the property of the fool and the sage, and nothing of public concern is withdrawn from its touch. The right to criticise public measures is one of the primal laws of our democratic system, of which you have with immunity availed yourself in framing your ingenious indictment against the Bench and Bar of Arkansas. You arraign the people of Arkansas on political considerations as one of the prime causes of the injustice you complain of. As you invite and challenge criticism in that direction, you cannot complain if reminded of the fact that you have "passed through every sign of the political zodiac," from the Scorpion in the house of radicalism which stung you so fearfully, to the honest Virgin in the house of democracy which both enriched and rewarded you with so many honors and offices since you renounced alliance with the political sins of the party that robbed you. Follow up this history, and every impartial mind will soon be convinced that your denunciation is alone deserved by the radical party, to which you accorded allegiance *at the time you bought the bonds*. *Personally* you have been singularly fortunate in escaping the vices and embracing the virtues of all parties. And, if you have been indiscreet and at times too confiding in your political affiliations, it has never been discovered in time to keep you out of a fat office. When radicalism sank with its accumulated weight of odium, you sprang to the deck of the old democratic ship, where you have never lost one dollar because of the affiliation.

You say that before the purchase of the bonds in question, you took the precaution to go to Little Rock, and advise with Governor Clayton, and the other officials whose names appear on the bonds you hold, as to their validity, and was assured by

all that they were issued in strict conformity to law, and would be promptly paid by the State. This confession softens and appeases that asperity of criticism which your caustic letter might otherwise encourage. My dear sir, is it a fact that you had temerity enough to march right into the camp of the spoliators, and ask them if the booty was legitimate and lawful? Did you think they would open up the secrets of the confessional to you, even though you were the favored pet of radicalism in a neighboring Commonwealth? Your honest confession is the crystallization of simplicity, and draws with it compassion, instead of criticism. And now, because the Bench and Bar and people of Arkansas refuse to indorse and ratify the acts of the public plunderers, who sought to rob and bankrupt the State, you hurl your harmless philippic at them. But this, so far, is unsupported assertion by me, and if I fail to make it good with substantial facts, I am guilty of calumny. To this end I will now direct myself, commencing with a short historical *resume*, which is necessary to a clear understanding of the case. Arkansas was then overrun and oppressed by a set of political adventures (a very large majority of them being born alien to her soil), who had charge of the State government. A large majority of the white tax-paying population of the State were disfranchised. When your bonds were authorized, Powell Clayton, together with Robert J. L. White and Benjamin Thomas, were railroad commissioners, and Clayton was governor, and head and front of the dominant party, and was *ex-officio* railroad commissioner, charged with the issue of railroad aid bonds, which he did without lawful authority.

A majority of the subordinates under him were his *henchmen*. In this twofold capacity of governor and railroad commissioner, it was his solemn, sworn duty to protect the people from spoliation and robbery. Now let us see how far this was done, and then we can better tell how far you and I are justified in the opposing assertions we have made. In this we will now speak by the record, as assertion unsupported settles nothing; and you may introduce Governor Clayton; if you don't, I will. We will take for illustration the bonds issued to the "Little Rock, Pine Bluff and New Orleans Railroad Company," because I have the record in that case before me. These bonds are

ultra vires, and the vice attaching to, and inherent in them pervades all other railroad aid bonds issued during the Clayton reign or reconstruction period. On the 10th of March, 1869, S. W. Mallory — representing the directors of said company, composed of himself, G. R. Weeks, O. P. Snyder, J. M. Lewis and J. E. Sickles — petitioned the board of railroad commissioners for State aid to build said railroad, amounting to \$15,000 per mile, the main stem and branches aggregating, as alleged in the petition, two hundred and sixty miles of road. They represent they had capitalized the stock of the road at \$27,000 per mile, and had authorized *first mortgage* bonds to the amount of \$10,000 per mile. It was also represented that the subscription to the capital stock of the company amounted to \$265,000; that, had it been deemed important to the immediate interest of the company, or at all likely to influence the board, the subscription might have been enlarged.

S. W. Mallory, the president of the company, further stated that liberal county, municipal and individual subscriptions had been specifically promised, as well as liberal donations of lands contiguous to the road, which, with the State aid prayed for, would swell the assets of the company to \$3,000,000. Five days after this, Clayton, as president of the board of railroad commissioners, called a meeting of the board, and granted State aid to the amount of \$15,000 per mile for one hundred and twelve miles. Again, on the 25th of June, 1870, the board granted State aid to the company for eight additional miles, and on the 16th day of March, 1871, they granted State aid at the same rate for fifty additional miles of road. From the 26th of April, 1870, to the 25th of September, 1871, inclusive, Powell Clayton, as governor, with J. R. Berry, auditor, Henry Page, treasurer, and Robert J. L. White issued to this company \$1,200,000 in railroad aid bonds. On the 25th of April, 1870, the company executed a mortgage on the road, franchises and property of the company, to secure first mortgage bonds amounting to \$1,200,000. This, according to the statement of Mallory, the president, increased the assets of the company to \$3,000,000. With all of these large assets the company defaulted in the payment of interest on its mortgage bonds in 1874, and was sold out under decree of foreclosure in

the Federal court, at the instance of the first mortgage bondholders. The constitution of 1868, under which these bonds were issued, provides that "the credit of the State or counties shall never be loaned for any purpose without the consent of the people expressed through the ballot-box." And it also provides that no public act shall take effect, or be in force, until ninety days from the expiration of the session at which it was passed, when the act, on its face, does not declare when it is to take effect.

The act of the legislature providing for a general railroad system under which all the railroad aid bonds were issued was put on its final passage the 21st of July, 1868, but it did not provide on its face when it should take effect, and thus left the constitutional provision above quoted operating as a limitation on the act to determine when it became operative as a law. It then becomes of vital importance to ascertain when the session at which the act was passed expired. The session commenced on the 2d of April, 1868, and expired on the 10th day of April, 1869. So the act could not possibly, under the organic limitation above cited, become operative before the 10th day of July, 1869, and any act performed by any agent or officer of the government, in anticipation of what might thereafter become legitimate and lawful under the act, was simply null and void, *ultra vires*, and imposed no obligation on the State or its people. The twelfth section of the act submitted the question as to whether the State should lend its credit to railroads to the voters at the next general election, which was held on the 3d of November, 1868, and at this election a majority voted for railroads; in other words, for lending the credit of the State to railroads. This vote was taken *ten months* before the law authorizing it went into effect; there being no law authorizing the submission of the vote, every act based on it was a nullity. (See *State of Arkansas v. Little Rock, Mississippi River & Texas Ry. Co.*, 31 Ark. 701, and the luminous opinion delivered by the late Hon. David Walker, and the numerous authorities therein cited.) The radical adventurers whose only regard for official obligation seems to have been inspired by the criminal laws of the land, in their frenzied greed and haste for

spoliation and plunder, overleaped and trampled on laws of their own making.

The act on which these bonds are based is utterly void on other grounds. The constitution of 1868 provides that every bill and joint resolution shall be read three times, on different days, in each house before the final passage thereof, unless two-thirds of the house where the same is pending shall dispense with the rules. This mandatory provision of organic law in the passage of the act was disregarded. An inspection of the journals of both the house and the senate discloses the fact that the bill passed three readings in the house in one day, and on the same day it was passed in the senate without any suspension of the rules, and on the day following it was signed by the governor. That there was no suspension of the rules on the third reading in the house. Our supreme court say: "This is a strong case, and leaves no room for presumption in favor of the regularity of the proceedings." This decision is founded in law, and wisdom, and justice, and it will forever challenge the respect of a liberty-loving and law-abiding people. The court rendering it was composed of Judges E. H. English, David Walker and William M. Harrison. All are eminent for the untarnished purity of their lives, and their good name and fame is the State's heritage. The two former, after long, useful, eminent and laborious lives, have passed away, and a million of their fellow citizens exclaimed, when their labors were finished: "Well done, thou good and faithful servant." You have achieved the distinction of having hurled the first shaft of calumny at their good name; but it will never reach the exalted niche which shelters them from ruthless hands.

The power to tax and take property from the citizen is the highest attribute of sovereignty, and must be exercised in strict conformity to law. No right has been more strictly guarded by our race in both hemispheres, and they have submitted to greater sacrifice of blood and treasure to maintain it than any other question of public policy. The landed proprietors of the State, for sympathy and participation in the civil war, were disfranchised. This element paid nine-tenths of the taxes. An assertion of the right to tax without representation led to

the revolution headed by Washington and the dismemberment of the British empire, and led to the most important results recorded in the history of mankind. This check against the encroachment of legislative and the exercise of arbitrary power is indispensable to the existence of free institutions. The constitution of every State in the American federation proclaims the determination of the people to preserve inviolate this fundamental provision in their social compact. And no era in the history of free institutions presents such a striking exemplification of the necessity for such guards, as the era of radical domination in the southern States. The amount of bonds which represents radical spoliation in the southern States during the era of reconstruction is absolutely appalling. Stripped of the specious plumage which surrounds their acts, the issue of the bonds representing this vast aggregation of debt amounts to an effort to evade law and legalize robbery. The unrestrained power of taxation exercised here in Arkansas, for which the people got nothing in return, amounted to virtual confiscation.

Within a period of three years, the Clayton government (1869-1871) sought to fasten on the people of Arkansas an enormous debt, as shown by the following table, taken from the record:

Six per cent funding bonds, 1869.	\$910,000 00
Six per cent funding bonds, 1870	905,000 00
Seven per cent bonds to Memphis and Little Rock R. R. Co.	1,200,000 00
Seven per cent bonds to Arkansas Central Ry	1,350,000 00
Seven per cent bonds to Little Rock, Pine Bluff and New Orleans.....	1,200,000 00
Seven per cent bonds to Little Rock and Ft. Smith R. R. Co.	1,000,000 00
Seven per cent bonds to the Mississippi, Ouachita and Red River R. R. Co.	600,000 00
Seven per cent levee bonds.....	1,986,773 74
Total	\$10,419,773 74

Our supreme court have declared the railroad aid, levee and Holford bonds void, aggregating \$8,604,773.74.

Now what are the plain facts on which this enormous debt was based? Few and simple! The levee bonds were issued in aid of *private* enterprise and jobbery, in which the State never had any interest. The Little Rock, Pine Bluff and New

Orleans road started out on a basis of two hundred and sixty miles, but with its three millions of assets very poorly built the "main stem" from Little Rock to Pine Bluff, and abandoned it without equipping one mile of road, only about fifty miles of road-bed built with \$3,000,000 of assets. Seventy-five per cent of the assets of this company are unaccounted for on any estimate consistent with common honesty, and yet the people of Arkansas are asked to make good the larceny these enormous figures represent. The Arkansas Central, controlled and manipulated by Stephen W. Dorsey, the northern adventurer, of senatorial and Star Route fame, comes in for an honest stipend of fame and sympathy you so liberally bestow on his ilk — a pensioner on the bounty of fame you deal out to the shaded and faded memory of radicalism in Arkansas.

The poor little Mississippi, Ouachita and Red River Railroad Company, with its pitiful allowance of only \$600,000 aid bonds, duplicated by a like amount of mortgage bonds and a large contribution from other sources, sent up Honest "Tom Bowen," its contestant for the United States senate in 1873, and as might have been foreseen, with so trifling a corruption fund, in the classic language of the times, "got left." The assets of another company, Little Rock and Fort Smith railroad, receiving a million of these aid bonds is said, on strong authority, to have tickled the palate of a presidential aspirant for his valuable rulings when speaker of the national house of representatives. History is said to repeat itself: "Nero fiddled whilst Rome was on fire." The satires of Juvenal pale into insignificance at your effort to clothe Powell Clayton's administration of the government of Arkansas with honesty and purity. That administration will go down to posterity clothed in the same character of fame which has handed down the name of the aspiring youth who fired the Ephesian temple. The white population of Arkansas, in 1860, was 324,325; at the same time the slave population was 111,115, representing a moneyed value of \$60,000,000. The Federal census of 1870, shows an increase on this population in round numbers of only 50,000. And why this fatal, unerring indication of a people's decline? Radical maladministration supplemented the ravages of war, and was as fatal to political prosperity as the Upas tree is to

animal life. What was the effect when we cleared out the Augean stable in 1874, and gave honest government to Arkansas?

Let the census of 1880 speak of the wonderful effect the restoration of confidence and prosperity had on the destinies of Arkansas. In round numbers the population of the State increased to eight hundred thousand, and to-day numbers more than one million. Development has been no less remarkable in other fields. The pecuniary losses of the people of Arkansas growing out of the civil war did not represent less than \$150,000,000. When it closed every interest was prostrate, many thousands were without seeds to sow and animals to till the soil. Devastation had swept every thing like a cyclone. When in this prostrate condition the northern parasite fastened his fangs in her bleeding flesh and began the work of spoliation and plunder, aided here and there by southern apostates, who turned on kith and kin in the hour of their desolation and sold, at least, the inheritance of a good name, for a mess of radical pottage, that they might fatten on their country's blood. Thus tainted are the bonds you bought before the day of reckoning overtook the party who issued them. And yet you indulge in eloquent wonder, that a re-enfranchised, a disenthralled, a free people, refuse to indorse and perpetuate the wrong, and to augment the booty.

It is not repudiation to refuse to pay an assumed obligation that never had any sanction in law. There never was a contract on the part of the State to pay the bonds. Repudiation is refusal to comply with the terms of a contract. There can be no repudiation where there is no contract. Repudiation has never spread its blight over Arkansas, but the slanderer and spoliator have hissed their serpent tongues at her good name, until the ignorant and misinformed in some quarters have been led to believe it. The doctrine of innocent purchaser has no relation to securities issued wholly without authority of law. It only applies to that class of securities where the power to issue exists, but has been abused. There was no abuse of authority in your case, because none existed. What I have said in relation to the railroad aid bonds applies with equal force to the levee bonds issued under radical administra-

tion in 1871. The latter act is as obnoxious to constitutional objection as the one we have discussed. So held by our supreme court. (See 33 Arkansas Reports, 17.) Judges English, Eakin and Turner were on the bench then; the latter delivered the opinion of the court. No purer men ever adorned our bench. What you say of our constitutional amendment is without foundation to support it. All the issues touching the validity of levee and railroad aid bonds have been presented and ably argued) to our supreme court, and have been judicially determined by learned, able and pure jurists. The amendment to our constitution, adopted by a vote of the people in 1874, simply withdraws all further consideration of these bonds from the political department of our government, for obvious reasons. The vast amount of these worthless bonds with the accumulated interest, in themselves, would supply a vast corruption fund, if vitality could be imparted to them. I have purposely not discussed the purely legal questions affecting every class of these bonds declared void, because it would involve too much repetition and unnecessary time.

But there was a time in the judicial history of Arkansas which well warrants all you say about a corrupt judiciary, and it will no doubt pain you to learn that all the men composing this distinguished body of jurists in the days of reconstruction (1873-4) belonged to the same political organization to which you then subscribed allegiance. John McClure was then chief justice, and E. J. Searle, M. L. Stephenson, J. E. Bennett and Lafayette Gregg were associate justices of the supreme court of Arkansas, and John Whytock was then judge of the circuit court of Pulaski county, Arkansas. Judge Gregg, the author is glad to say, upon information which is satisfactory, was not in the conspiracy to overthrow the State government, and is not included in the criticism which follows. But the other judges named made their own official record and must abide it. A short historical *resume* is here necessary to a full and enlightened understanding of the acts and facts discussed.

In 1872 Elisha Baxter and Joseph Brooks were rival republican candidates for the office of governor. The election came off in November, and the legislature, which convened in January, canvassed the vote and declared Baxter elected, and he

was inducted into office. The constitution of 1868 clothed the legislature with *exclusive* jurisdiction to try contested elections to State offices. That tribunal rejected Brooks' application to contest the election, and thus, in legal contemplation, ended the controversy. Brooks was a bold, bad man, and sought the gratification of his ambition without regard to consistency, common honesty, or the interest of the people.

In June, 1873, the attorney-general, at the relation of Brooks; filed in the supreme court, composed of the judges above named, an application for a writ of *quo warranto* against Baxter, designed to oust him of his office as governor, and in an elaborate and satisfactory opinion, filed on the 29th of September, 1873, the application was denied on the ground that it was a political question over which the judiciary had no jurisdiction. Every lawyer and jurist in the State not blinded by political partisanship concurred in this opinion. Hon. Henry C. Caldwell, judge of the United States district court, eminent alike for great learning, exhaustive research, integrity and purity of character, both in public and private life, with many other eminent lawyers and jurists, concur in this construction. Soon after this precedent was established it was re-affirmed by the same tribunal in the case of *Berry v. Wheeler*, a proceeding to get possession of the office of State auditor by issuing a writ of prohibition against John Whytock, circuit judge, preventing his further proceeding on the ground that the courts had no jurisdiction. Soon after the decision in the *quo warranto* case, Brooks commenced a proceeding against Baxter in the circuit court before Judge Whytock to get possession of the office of governor. Baxter's counsel interposed a demurrer. Whytock, as circuit judge, permitted Brooks' counsel to *clandestinely* call up this case on the 15th day of April, 1874, and he overruled the demurrer and gave judgment of ouster against Baxter, in pursuance of a conspiracy, as alleged, and then and yet believed, between Brooks, Whytock and the above-named judges of the supreme court, and others except Judge Gregg.

Immediately after this revolutionary and corrupt combination between the judges named and Brooks and others was advanced by Whytock's stealthy and illegal judgment, Brooks, with an armed force, ejected Baxter from the State house and took possession and proclaimed himself governor. With this

explanation the reader will understand the result of the indignation meeting of the Bar of Little Rock as set forth in the following resolution :

Resolutions.

Resolved, That it is the deliberate sense of the members of the Little Rock Bar here signing, that the late act of the circuit court of Pulaski county, in rendering a judgment in the case of *Brooks v. Baxter*, at a time when the case was not set for trial ; at a time when it was known and foreseen that his counsel would be absent, and when it had been announced that no business, during the week, would be taken up unless by consent, involving the exercise of jurisdiction in a case which the supreme court twice, in well-considered opinions, decided that the circuit court had, under the constitution and laws of the State, no jurisdiction, is one of the most extraordinary acts in judicial history ; that the judgment rendered therein is wholly null and void for want of jurisdiction ; is not a judicial act, but merely the private act of the individual exercising the functions of judge, and of the attorney of the plaintiff, who was accessory to said proceedings, and does not afford, in a legal point of view, the slightest pretext or color for the revolutionary proceedings which have been ostensibly based upon it.

A. H. Garland, *President*,
 G. B. Reardon,
 John Green,
 Robert A. Howard,
 Geo. L. Basham,
 Sol. F. Clark,
 Z. P. H. Farr,
 George A. Gallagher,
 U. M. Rose,
 Sam W. Williams,
 Dick Gantt,
 Thos. Fletcher,
 Newman Erb,
 F. W. Compton,
 J. W. Martin,

J. M. Moore, *Secretary*,
 W. L. Terry,
 Geo. E. Dodge,
 B. S. Johnson,
 R. C. Newton,
 James M. Pomeroy,
 C. B. Moore,
 R. A. Watkins,
 J. M. Smith,
 F. M. Parsons,
 L. A. Prindall,
 John Fletcher,
 S. R. Cockrill,
 E. H. English,
 A. D. Jones.

Those who are acquainted with the Bar of Arkansas will readily recognize in the above list many names eminent for great learning and purity of life.

John McClure, chief justice of Arkansas, administered the oath of office to Brooks as governor, in the teeth of the decisions of the court over which he presided, above referred to. John Whytock carried out his part of the programme, by refusing to

set his judgment aside, and thus earned the infamy of a Jeffries. Baxter had been in the exercise of the office sixteen months before this conspiracy culminated. One of the ablest and purest jurists in the State, Judge U. M. Rose, has gone on record in the following language: "That Chief Justice McClure is one of the principal leaders in the revolt of Mr. Brooks is a well-known fact. In such a case we would clearly be entitled to apply the maxim, *Omnia, presumunter contra spoliatorem*. Sir Robert Wright, lord chief justice, and Mr. Justice Allynbone, the former of whom was elevated to office solely on account of his unscrupulous servility, and the latter owed his place to the very dispensing power, as to the legality of which he was in that case called on to decide, may have been very honest men in private life, but they were none the less judicial knaves, for the acts they did were knavish acts. The tree is judged by the fruit. Do men gather grapes from thorns, or figs from thistles?" Five days after Whytock rendered his *clandestine* judgment of ouster the following telegram was sent to the president:

LITTLE ROCK, April 20, 1874.

SIR— We, the undersigned, being State officers of the State of Arkansas, since the Pulaski circuit court rendered the judgment of ouster against Elisha Baxter, for the office of governor, and awarded the said office to Joseph Brooks, and he qualified as governor and entered upon the discharge of his duties as such, we do now recognize said Brooks as governor of said State in all official intercourse with the executive of the State.

JOHN McCLURE, *Chief Justice*,
 E. J. SEARLE, *Associate Justice*,
 M. L. STEPHENSON, *Associate Justice*,

(Judges Gregg and Bennett are not in the city.)

HENRY PAGE, *State Treasurer*,
 J. WHEELER, *Auditor of State*,
 LUCIEN J. BARNES, *Insurance Commissioner*,
 J. C. CORBIN, *Supt. Public Instruction*,
 W. H. GREY, *Commissioner State Lands*,
 EDWARD CARY, *Secretary of State ad interim*.

HIS EXCELLENCY, U. S. GRANT,

President, Washington, D. C.

The insurgent governor and his pliant tools understood each other perfectly well; we believe this is demonstrated beyond a reasonable doubt when we group all the facts and circumstances together. I now quote from the report of the Poland committee to congress. "One more case will close what is called judicial authority over the question. While Brooks claimed to be in the exercise of the office and authority of governor, he drew warrants on Page, the treasurer of the State, for funds for official use, and on Page's refusal to pay he applied for a *mandamus* from the supreme court to compel him to do so. Page pleaded that Brooks was not governor. The court granted the *mandamus*, holding that the judgment of the Pulaski circuit court was conclusive on that question, as the court had jurisdiction, and the judgment on demurrer had been allowed to become final." Further on the same committee say, "the Arkansas legal authorities are too conflicting to *deserve any consideration.*" Referring solely to radical, political and revolutionary judges who dragged the ermine through the sluices of corruption.

This last shameful and, to the last degree, disgraceful decision was rendered on the 7th day of May, 1874, and on the same day Joseph Brooks telegraphed the president as follows:

Supreme court decided to-day that the Pulaski circuit court has jurisdiction of the subject-matter of the case of *Brooks v. Baxter*, and the judgment is regular and valid, and that I am governor of Arkansas. A certified copy has been telegraphed Attorney-General Williams.

JOSEPH BROOKS.

This lengthy opinion was delivered, copied, certified and telegraphed *same day*. The very lengthy telegram referred to by Brooks was signed John McClure, chief justice, John E. Bennett, E. J. Searle, M. L. Stephenson, associate justices of Arkansas supreme court. This telegram is too lengthy to reproduce here, but we copy one or two passages to show how *delicately* the *delicate* court ate its own spawn:

"We feel some delicacy about expressing an opinion upon the question propounded, but, under the pleading, it has to be

passed upon incidentally, if not absolutely, in determining whether the relator is entitled to the relief asked for. His right to the office, if established at all, is established by the judgment of the circuit court of Pulaski county. We are of opinion the circuit court had jurisdiction of the subject-matter, and its judgment appears to be regular and valid. The *mandamus* will be awarded."

On the next day (May 8, 1874) Brooks telegraphed the president that the supreme court of Arkansas convened on the first Monday in December previous, and that it had been adjourned from day to day on its own order, and that the present sitting was but a continuation of the December term, and the following confirmatory advice was sent by telegram, dated Baring Cross, May 8, 1874:

TO U. S. GRANT, *President United States, Washington, D. C.:*

We have seen the dispatch of Governor Brooks to yourself in relation to the meeting and adjournment of the supreme court, and the facts in relation thereto are correctly stated.

JOHN McCLURE, *Chief Justice.*

J. E. BENNETT, *Associate Justice.*

M. L. STEPHENSON, *Associate Justice.*

E. J. SEARLE, *Associate Justice.*

This indecent haste and shameless action speaks its own condemnation. That sterling Union soldier and upright ex-chief justice of the supreme court of Arkansas, afterward a member of congress from the third district, W. W. Wilshire, fought Clayton, Dorsey and the Arkansas republican delegation in congress, and carried the administration with him over their heads in the end. It is on record, in reference to these judges, in the following language: "The apparent cause that brought these judges together, and the circumstances under which they assumed to hold court, and the indecent haste with which their pretended decision was made, can serve no other purpose than to stand as a monument of their judicial partisanship, and a disgrace to the name of the judiciary." This language appears in Judge Wilshire's address to the president. Those able and fearless men, Pike and Johnson, say: "General Grant cannot afford to let him-

self be made the involuntary instrument of political chicanery and rascality by sustaining an insurrection, which, but for his aid, would have been a contemptible fiasco and abortion. It is the development of a wicked plot arranged to enable a few desperate adventurers to retain ill-gotten power, and carry onward to successful completion, schemes of spoliation and rapine." Again, the same distinguished men say: "There is greater danger in these shameless usurpations by the judges than in usurpations of executives or legislatures. When the courts become corrupt, and judges, pimps and catamites of political rascalities, the State is rotten in its very bones, and such a 'judge' ought to be, like Titus Oates, scourged through the streets at the cart's tail, until the blood runs down to his heels." John Thompson, private citizen and friend of General Grant, writes to him from Philadelphia, May 13, 1874, and says: "In your position you need all the information on matters of much importance in which you have to make decisions, and so in regard to the Arkansas trouble. If I attempt to throw a little light in your pathway I hope I will not be considered presumptuous. I have heretofore been in the State fully one-half of my time, and think I know all about the situation and feeling there. Baxter has not only given full and entire satisfaction as governor to his party — the republican — but the entire population of the State." * * * "*The great trouble and cause of offense has been withholding his signature to certain railroad bonds*" (the italics are the author's). It will be remembered that Powell Clayton when railroad commissioner and governor of the State, in three years issued more than \$10,000,000 of bonds, as stated in a former part of this letter. In addition to this ruinous bonded debt the radical party created a very large floating or scrip debt, amounting to between one and two millions, which flooded the State until depreciated to fifteen cents on the dollar. But we have not done with the conspiracy which amounted to treason and levying of war against the State. Powell Clayton and S. W. Dorsey, then senators in congress, were among the head and front of the conspirators, and we prove it by their own records.

On the 8th of October, 1873, these leaders published an address to the people of Arkansas, signed by themselves and

others as the republican State committee, in which they say: "By the decision to which reference has been made (*Brooks v. Baxter*) it is distinctly held that the determination of the question whether a person exercising the office of governor has been duly elected or not, is vested exclusively in the general assembly of the State, and that neither the supreme or any other court has jurisdiction to try a suit in relation to such contest." And the committee further say :

"And now we at last can congratulate the people of the State upon the undoubted termination of this gubernatorial warfare. The legislature has acted in the premises; its decision is final, and Governor Baxter's tenure of the office he holds is fixed and irrevocable. The action of the supreme court and the legislature settles all vexed questions calculated to disturb the peace of the State, and Governor Baxter, reflecting the policy of the republican party, to secure peace, quiet and order, seized upon this, the first opportunity presented since the organization of the State government, to muster out the entire militia force of the State. No well disposed citizen, whatever his political faith may be, can fail to indorse and commend this action of the governor. It attests the good faith and high purposes of the republican party on all questions affecting the interests of the people, and is an earnest of the efforts Governor Baxter and the republican party are making to bring the State of Arkansas to as high a condition of peace, law and order as is enjoyed by the most favored State in the Union.

POWELL CLAYTON, *Chairman.*

S. W. DORSEY,"

(And nine others).

If Baxter was wrongly counted in and installed in the office of governor, Clayton and his henchmen did it and are responsible for it. Baxter *refused to issue any more railroad aid bonds, and did not consult Powell Clayton and S. W. Dorsey nor John McClure and company as to whom he appointed to office.* Baxter was governor of Arkansas, and as such assumed the independence and responsibility attaching to the office.

This led the leaders to commit treason, without qualification or justification, and the levying of war against the lawfully con-

stituted authorities of the State, which in any other than the troubled condition the country was then in would have invoked the penalties consequent on that crime against society. On the 3d of June, 1873, Dorsey writes Governor Baxter from New York as follows :

GOVERNOR ELISHA BAXTER :

You have the unqualified support of myself and friends : The revolutionary proceedings instituted will not be sustained by the people.

S. W. DORSEY.

On the same day and from the same place Powell Clayton writes him as follows :

HIS EXCELLENCY ELISHA BAXTER :

The *quo warranto* proceedings against you have been inaugurated without my knowledge or approval, and are in my opinion unwise and highly detrimental to the interest of the State. My judgment did approve your late action, because I did not believe such a move was seriously contemplated ; and even if contemplated, I regarded the calling out of the militia as premature. Nor would I now advise any show of force, unless a forcible attempt should be made to oust you. I believe you are the legitimate governor of Arkansas, and as much as I regret to see our State disgraced abroad by distractions at home, I hope you will stand firm, regardless of results.

POWELL CLAYTON.

Again I quote from those great and fearless men, whose names and fame is the heritage of Arkansas, General Albert Pike and Hon. Robert W. Johnson : "Certainly it must require an ample supply of impudence, and great absence of the sense of shame, in any of the men who signed the foregoing address to go before the president of the United States and ask him to help them to get Baxter out of the office in which the republican legislature placed him, and the supreme court maintained him. Certainly no gentleman would think General Grant wanting in courtesy, if he would order them shown to the door, and to say to them, 'it is evidence of a singular obtuseness of perception in you, and of very slight respect for me, to come to prove to me, by the judgment of an inferior court, given in

the dark, and in defiance of not only the express decisions of the supreme court, but of the well-known law everywhere, that Governor Baxter was not legally elected, and the decisions of the legislature and supreme court were not final, after you have published; not seven months ago, that he was governor, and that the question was finally settled and concluded. Am I a nose of wax, to be molded by you into any shape you please, or do you think that I will violate law, and infringe upon individual rights, to give effect to your wishes, and subserve either your private or your political interests? I am not a dog, that I should do this thing. Begone!"

On the 15th day of May, 1874, George H. Williams, attorney-general of the United States, in an able opinion, reviewed all the decisions herein referred to, and says: "All five of the judges of the supreme court of Arkansas concurred in the opinion that the courts have no jurisdiction in contested election cases involving the title to State offices mentioned in article 19, section 4 of the constitution of Arkansas — that the decision of the Pulaski circuit court is absolutely void." In reference to the partisan decision of the supreme court he says: "To show the value of this decision, it is proper that I should make the following statement: On the 20th of April, Brooks made a formal application to the president for aid to suppress domestic violence, which was accompanied by a paper signed by Chief Justice McClure and Justices Searle and Stephenson, in which they stated that they recognized Brooks as governor, and to this paper also is appended the name of Page, the respondent in the proceeding for *mandamus*. Page, therefore, did not refuse to pay the warrant of the auditor because he did not recognize Brooks as governor, but the object of his refusal evidently was to create such facts as were necessary to make a case for the supreme court. Accordingly the pleadings were made up by the parties, *both of whom were on the same side* in the controversy, and the issue so made was submitted to judges virtually pledged to give the decision wanted, and then, within the military encampment of Brooks, they hurriedly, but with delicacy, *as they say* (italics the author's), decided that he is governor, a decision in plain contravention of the constitution and laws of the State, and in direct conflict

with two other recent decisions of the same court deliberately made. I refrain from comment. More than once the supreme court of the United States has refused to hear argument on a case made up in this way."

I now quote from Governor Baxter's last or farewell message to the legislature of Arkansas, convened on the 10th of November, 1874, under the new constitution of that year. It shows, from an honest republican standpoint, the untold evils Arkansas suffered in the reconstruction period. Of the constitution of 1868 and the evils growing out of it, he says, in language that ought to live in characters of light as long as the history of Arkansas is known: "That constitution, the product of all the exciting passions aroused by civil war, was armed with despotic power. It effectually divided the people into two classes by lines of demarkation — not intended to be easily effaced — the governing and the governed. To the former were given a very large appointing power and a system of registration which made the popular elections variable only at the will of returning officers, who were entirely subject to the control of the chief executive. For the latter it provided a constantly-decreasing prosperity, the inevitable accompaniments of bad laws and heavy taxation, *corrupt courts* and irresponsible officers, while they were made the subjects of such abuse as was deemed most likely to palliate and withdraw attention from such an anomaly of government. Extraordinary circumstances had placed a few men in power to whom its exercise was unfamiliar; they adopted extraordinary means for keeping it. Owing no favors to the people, they repudiated the ties by which, in republican governments, society is bound together, and conceded them no rights. The skillful arts of the demagogue, by which he flatters a too willing populace by false attribution of wisdom and virtue, have long supplied a theme for patriots and moralists.

For the past few years those claiming a right to hold office perpetually in this State have for the most part made themselves conspicuous by vituperation of those who they pretend had elevated them to power. Extravagance is the natural concomitant of despotism when vested in the hands of adventurers, whose precarious tenure, acquired by the violent combina-

tions of revolution, is derived from no paternal source, and necessarily dies with the possessor. Accordingly the country has been wasted by a system of extravagance, which is as little in accordance with the taste of the people as with the maxims of good government. Assessors sworn only not to assess property for too little, and paid for their services in proportion to the amount of their assessments, scrupled not to oppress the owners by affixing fictitious and sometimes fabulous values. Not infrequently it was proclaimed that the object was to reduce all to a uniform level of property — a system of agrarianism, however, which did not include the inventors of the simple system of promoting the public prosperity, from whose overreaching and all-pervading avarice there was no escape save by joining the general pillage.

Officers were multiplied and diffused throughout the country being mostly of such men as had never held office before, and yet seemed to be incapable of any other pursuit. For their support enormous taxes were levied, and were enforced by the most stringent and unrelenting proceedings. Taxes from three to six per cent on every species of property soon bore legitimate fruit. From 1868 to 1874 it is estimated that fully one-half of the lands belonging to private owners passed under the tax gatherer's hammer. At the close of the rebellion the fine cotton and grain lands attracted attention, and sustained prices not inferior to those borne at any time before; but these prices were soon affected by taxation until it was a burden to own them. The pioneer looked aghast at the prospects of a country which seemed to be only susceptible of conversion into public spoil. The resources of the State were inadequate to meet these demands. High taxes failed to keep pace with exorbitant expenditures. Office-holders, beginning with no estates of their own, and disclaiming any enduring connection with the soil, intoxicated with opportunities for making money suddenly opened to them, indulging the most excessive visions of wealth, aggregated themselves into railroad companies representing lines marked in haste on the surface of a map, the endowment of which became the chief occupation of government. So great was their precipitation in opening up this new El Dorado, that a law, hastily drawn, was

submitted to the people at what purported to be a popular election, at a time when the law had not gone into effect for the purpose of the submission.

Bonds were issued, pledging the State credit, with a prodigality not unworthy the airy schemes they intended to promote. They formed a basis for the beginning of operations on several roads, which led in their turn to still wider prodigality, until the projects succumbed beneath the weight of unbounded dishonesty and peculation; but not until the original recipients of these bonds had "placed" them wherever, in the civilized world, *a dupe could be found*. While the State was being thus despoiled, the annual revenues were continually falling farther and farther behind the annual expenditures, and the county and municipal governments, to which every facility were afforded for issuing bonds and getting in debt, were following rapidly in the same downward road. Salaries and perquisites were increased, until a short term of office implied for the possessor retiring with a fortune, or the enjoyment for a season of great and superfluous resources. Bonds and scrips — State county, and municipal — supplied the place of money, and the first success in realizing something near par value on these opened new prospects of inexhaustible wealth; but when prices presently declined, enormous taxation only brought back enormous quantities of paper, until the government seemed destined to perish of want in the midst of this false abundance. Those who held office were desirous of keeping up such a state of affairs at home, and such impressions abroad as would enable them in case of any failure of their plans for perpetuating their power by pretended elections, in which the electors might be proscribed without responsibility, or counties or townships thrown out and not counted as occasion might require, to make an appeal to the Federal government for retention of some kind of protectorate over the people of the State, on the assumed ground that they were not fit for self government, hoping to be favored in a result which they had successfully produced, by still being continued in offices, both State and Federal, which they monopolized. Therefore, they kept up a system of detraction of the people of the State, masking their work of public plunder, by pretensions that there was a hostility between the people and the Federal government,

and by the people to the northern immigrant, and toward the lately liberated slaves — unfounded libels which have damaged the State millions of dollars, by keeping from the State the honest, industrious classes of the north. The parties who made these representations a few months ago attempted to boldly usurp the government of the State, and boldly pledged the Federal government in advance to the support of these desperate schemes, and then appealed to public sympathy abroad by proclaiming that their lives would not be safe unless they were upheld in their raid on the property and liberties of the people. For the first time, perhaps, in the history of mankind an attempt is made to organize defamation into a regular system, as if it were for the purpose of carrying on some regular corporate or associated business; bureaus are established, and every disappointed office-holder, any person who has a real or fancied grievance against society, is invited to furnish his quota of misrepresentation.

The organization of a school system in this State on a new plan was long indicated as a measure of public progress which should compensate for high taxes and excessive prodigality, but the school system partook of all the other essential features of the government, nearly \$100,000 being appropriated annually for salaries and expenses of a corps of officers, called superintendents of different grades, who had little or nothing to do with the cause of education. The entire school system fell a victim to the general law of destruction, which nothing escaped. The whole of the State school fund was carried over to the general fund for the payment of salaries. Thus the whole school system perished for want of support, in order to meet the continued demand for salaries and perquisites."

This is the true history of radical ascendancy in Arkansas, given by a republican governor whose determination to clean out the Augean stable brought on the rebellion, headed by Clayton, Dorsey, Brooks, McClure and company — moguls in the camp of spoliation and plunder.

Now, sir, I have made good my assertion from records and documents from the camp of republicanism.

All that can be truly said to the disparagement of the judi-

ciary in Arkansas is strictly limited to the era so graphically described by Governor Baxter. All the judicial filth that ever afflicted Arkansas was spawned in the camp of radicalism, and your ledger balance must be carried to this account.

I am, very truly,

JOHN HALLUM.

END OF VOL. I.

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 A. M. ...
 A. N. ...
 A. O. ...
 A. P. ...
 A. Q. ...
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